



Planning Commission
Notice & Agenda
Wednesday, February 7, 2024

AVONDALE RESOURCE CENTER - AGUA FRIA ROOM | 995 E RILEY DRIVE | AVONDALE, AZ 85323

SPECIAL MEETING

6:00 PM

PHYSICAL ACCESS TO THE AGUA FRIA ROOM WILL BE AVAILABLE 30 MINUTES PRIOR TO THE MEETING.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC HEARING ITEMS

a. SUN DEPOT ENERGY STORAGE – MAJOR GENERAL PLAN AMENDMENT – APPLICATION PL-23-0053

Planning Commission will hold the first of two public hearings and consider a request by Paul Burman, Invenergy, on behalf of property owner Sun Depot Energy Storage LLC, to amend the General Plan 2030 Land Use Map for approximately 15.92 gross acres of land located approximately 330 feet west of the southwest corner of Palm Lane and Avondale Boulevard. The proposed major General Plan Amendment (GPA), if approved, will amend the General Plan 2030 Land Use Map designation from Mixed Use to Public/Civic. The Commission will discuss the item and hear any public comment. A second public hearing is scheduled for February 21, 2024, when the Commission will take appropriate action and forward a recommendation to the City Council.

Staff Contact: Michelle Simerdla, Senior Planner

4. COMMISSION ANNOUNCEMENTS

5. PLANNING DIVISION REPORT

6. CALENDAR
February 21, 2024

7. ADJOURNMENT

Members will attend either in person or by telephone conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the meeting.

Los miembros asistirán en persona o vía teleconferencia. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o intérprete, deben comunicarse con la Secretaría de la Ciudad al 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.

ITEM NUMBER: 3.a.

SUBJECT: Sun Depot Energy Storage – Major General Plan Amendment – Application PL-23-0053

MEETING DATE: 2/7/2024

TO: Planning Commission

FROM: Michelle Simerdla, Senior Planner

THROUGH: Jodie Novak, Director of Development Services

PURPOSE:

Planning Commission will hold the first of two public hearings and consider a request by Paul Burman, Invenergy, on behalf of property owner Sun Depot Energy Storage LLC, to amend the General Plan 2030 Land Use Map for approximately 15.92 gross acres of land located approximately 330 feet west of the southwest corner of Palm Lane and Avondale Boulevard. The proposed major General Plan Amendment (GPA), if approved, will amend the General Plan 2030 Land Use Map designation from Mixed Use to Public/Civic. The Commission will discuss the item and hear any public comment. A second public hearing is scheduled for February 21, 2024, when the Commission will take appropriate action and forward a recommendation to the City Council.

BACKGROUND:

The subject property (Exhibits A and B) is located approximately 330 feet west of the southwest corner of Palm Lane and Avondale Boulevard. The property was annexed into the City's corporate limits on March 23, 2006. The current zoning of the site is Agricultural (AG).

The rectangular site includes approximately 15.92 gross acres of vacant, undeveloped privately-owned property currently being used for farming and the adjacent half-width of Palm Lane right-of-way, approximately 0.56 acres in area.

The property is designated by the General Plan 2030 Land Use Map (Exhibit C) as Mixed Use, which is a land use designation for a mixture of residential and commercial. This category encourages innovatively designed developments, which create a core living environment, reflective of a village concept where residents can live, work, and recreate within the same development or close by. Basic criteria for development include reasonable scale to the surrounding neighborhood, proportionate ratios for each use, and encouragement of alternative modes of transportation (such as bicycling or walking) and a well-conceived plan with access to and integration of transit facilities.

The existing uses and zoning of surrounding properties include:

NORTH OF PALM LANE: From west to east – Canyon Breeze Elementary School zoned Agricultural (AG) and single-family residences zoned Palm Gardens PAD.

EAST: Larger lot single-family residences in the jurisdiction of Maricopa County.

SOUTH: From west to east: McDowell Villas, a future townhome community zoned PAD and Avondale Commons, a mixed-use development currently under construction zoned PAD.

WEST: Two electrical substations in the jurisdiction of Maricopa County owned by Arizona Public Service (APS) and Salt River Project (SRP).

SUMMARY OF REQUEST:

The applicant requests to amend the General Plan 2030 Land Use map from Mixed Use to Public/Civic to accommodate a private battery energy storage facility use (Exhibit D). While the battery energy storage facility use will be privately owned, the Public/Civic designation most closely fits this type of use, which intends to sell stored energy to the APS and SRP electric power grids. The Public/Civic land use category provides for a variety of civic, public, and quasi-public facilities for the health, safety, and welfare of the residents. Types of uses found in this category include City government facilities, police and fire stations, community centers, libraries, water, and wastewater treatment facilities, well sites, substations, and other public facilities.

Attached to this report is the applicant's GPA Narrative (Exhibit D) request and a letter from the applicant (Exhibit G) that further describes their request and justifications for applying to change the land use designation from Mixed Use to Public/Civic.

This proposed major GPA is the first step in the development process for this site. A separate application to rezone the site to PAD zoning, Sun Depot Energy Storage Planned Area Development, will be heard at the next scheduled Planning Commission on February 21, 2024, along with this Major GPA. Both the Major GPA and Rezone will be heard at the City Council on February 26, 2024. This will fulfill the State statute requirement for a major amendment to the general plan to be heard within twelve months of when the proposal is made (within 12 months of March 6, 2023). The Planning Commission must take action on the proposed major GPA, changing the property's land use designation to Public/Civic, before the proposed rezoning may be considered by the Commission.

Process

The General Plan 2030 outlines criteria for what constitutes minor and major GPAs. The proposed request is a major amendment because the site is within a Specific Area Plan, the Freeway Corridor Specific Plan, and a change in land use categories is requested. The major GPA review process differs from the more common minor GPAs, as follows:

- **60-Day Review:** For major GPAs, state statute requires cities to identify a 60-day period in which notice is provided to potentially impacted adjoining jurisdictions and public agencies and comments are solicited from those jurisdictions and agencies.
- **Planning Commission Hearing Process:** To encourage greater citizen participation, major GPAs require two Planning Commission public hearings, one of which must be held at an off-site location. The first hearing is for public comment, and the second hearing is when the Commission will take action on the request and forward a recommendation to the City Council.
- **Approval by City Council:** Any major amendment to the General Plan shall require an affirmative vote of at least two-thirds of the members of the City Council.

PUBLIC PARTICIPATION:

A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held on January 4, 2024, at Avondale City Hall. In addition to City Staff and the applicant's team, ten (10) persons attended the meeting (Exhibit E). While participants showed interest in learning more about how the technology would operate, concerns were expressed about traffic, safety, toxins, data on battery fires compared to other types of fires, the width of Palm Lane, and the impact on property values. The neighborhood meeting summary provided by the applicant notes the discussion was primarily related to the following topics:

- Safety, monitoring, and response to a fire event
- Impact of traffic from the nearby high school on nearby properties and traffic generated from the project
- Improvements to Palm Lane
- Security of the site
- Impacts on residents
- Benefits to Avondale
- Design, layout, and specific details about batteries

To date, eleven (11) comments pertaining to the proposal have been posted on the City's Avondale Connect digital forum that are opposed to the project due to proximity to homes and a school, the visual impact, fire risk, and increased traffic in the area (Exhibit F). Community members also shared comments on the City's social media posting about the neighborhood meeting conveying concerns and/or not in support of the proposed use.

As part of the 60-day review period, Staff received a response letter from Luke Air Force Base (AFB), which determined the project would not have a negative impact on flying operations at Luke AFB (Exhibit F.) The 60-day review is still underway, and more comments may be received prior to the second public hearing. All required notifications were completed for the neighborhood meeting and the February 7, 2024 Planning Commission meeting in accordance with Zoning Ordinance requirements.

ANALYSIS:

The Planning Commission must determine that the proposed amendment meets four (4) findings prior to recommending approval. Staff's analysis of each of the required findings is presented below.

1. The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use or change proposed in the amendment.

The existing sites within the City that are designated as Public/Civic are developed. The request involves a private battery energy storage facility use, not a public facility use. The City's adopted General Plan and Zoning Ordinance do not contemplate the proposed use. Staff is of the opinion that the subject property is not an appropriate location for the private battery energy storage facility use as detailed in the findings below, despite its proximity to an electrical substation. An alternative location near industrial areas may be more suitable.

2. The amendment constitutes an overall improvement in the 2030 Plan and is not solely for the good or benefit of a particular landowner or owners.

Staff finds that the adopted designation of Mixed Use remains the desired land use for the site rather than the proposed designation of Public/Civic. While the project will contribute to the creation of jobs during project construction, the GPA Narrative states during the operations, 2-3 skilled labor jobs will be supported. There could potentially be more permanent jobs generated in accordance with the Mixed Use land use category.

Additionally, while the proposal may further the General Plan's sustainable development theme and energy goals noted below, and the project may have the potential to provide a public benefit, the private battery energy storage facility use is incompatible with existing uses and development in the vicinity. There are existing residential, an elementary school, and Phoenix Children's Hospital in the vicinity of the site. The proposed land use change is not compatible in terms of land use, aesthetics, and environmental and safety concerns such as a potential fire event.

- Energy Element Goal 1: Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.
- Energy Element Goal 5: Integrate electric power line corridors, electric substations, and other energy infrastructure into future development.

Energy efficiency practices and sustainability are important goals. Nevertheless, Staff finds the project does not represent an overall improvement to the General Plan 2030, considering that anticipated mixed use land uses would provide more jobs and housing, and could also engage in sustainable development practices. The proposed amendment appears to be predominately for the benefit of a property owner and private business.

3. The amendment will not adversely impact the community as a whole and/or a portion of the community by: (1) significantly altering acceptable land use patterns; (2) requiring large and more expensive public infrastructure improvements including, but not limited to roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3)

adversely impacting the existing land use.

- Although there are two electrical substations to the west of the project, the proposal does significantly alter the land use pattern as the site is intended for a mix of residential and commercial uses, which is also the same land use adjacent to the property.
- The developer will be responsible for all required off-site improvements.
- The project will most likely not generate significant daily traffic according to the applicant's GPA narrative.
- The parcel is located within the City's Utility Service Area. The project is required to meet the City's water demand policies and fire flow capacities, and provide a water and sewer design report to confirm the availability and capacity of existing water and sewer infrastructure. If system upsizing, extension, or looping is needed to meet fire flow requirements, the project shall design, permit, and construct the required water system improvements required to meet the fire flow demands in accordance with the City's standards.
- The applicant's narrative indicates that the largest potential impact of the project would be a fire event and asserts that these fires are rare and unexpected, and they intend to develop an emergency response plan and site monitoring system.
- According to the City's Fire & Medical Department, the standard operating method used to put out a battery facility fire is to take a defensive approach and let it burn, and there are fire incident considerations, including but not limited to, available water supply, toxic runoff, toxic fumes, and potential evacuations (Exhibit H).
- No new public safety facilities will be required.
- While the project asserts that the amendment would not adversely impact existing land uses, Staff disagrees because the proposed static masts and battery cabinets will not be able to be fully screened by the proposed eight (8) foot wall and because of the environmental and safety concerns from a potential fire event mentioned previously in this report. Staff is of the opinion that the proposed amendment would significantly alter the existing commercial and residential land use pattern to accommodate the private battery energy storage facility use, given that the adopted General Plan envisions mixed use development for this site.
- Luke Air Force Base (AFB) provided a letter to the applicant that the site will not negatively impact the flying operations at Luke AFB and recommended a strong notification program on part of the applicant to inform future users about Luke AFB operations (Exhibit F).

Staff find the proposal will adversely impact a portion of the community by significantly altering desired land use patterns and adversely impacting the existing land uses.

4. The amendment is consistent with the overall intent of the General Plan 2030 and other adopted plans, codes, and ordinances.

While the project supports the sustainable development theme and energy goals mentioned above, the General Plan indicates that consideration will be given to surrounding uses prior to locating public and quasi-public facilities within the City. While the proposal is for a private battery energy storage facility use, not a public facility use, Staff has taken into consideration the visual impacts of the project, uses in the surrounding area, the potential fire risk, the desired business attraction along the Healthcare Quarter, and public input and recommends that the site remain designated as Mixed Use, which will further land use, economic and housing goals for the City including:

- Land Use Element Goal 1: Establish an Avondale identity based on a healthy lifestyle that promotes land uses which foster an economically sustainable and socially dynamic community.
- Land Use Element Goal 8: Support mixed-use land use patterns that increase active transportation and pedestrian-oriented development within specific and appropriate areas of the City.
- Economic Vitality Goal 2: Create employment centers to attract businesses that match the City's economic targets.
- Housing Element Goal 2: Champion the development of housing types not currently available in the

City to allow for a variety of socio-economic levels.

Additionally, a private battery energy storage facility is not a use in the adopted Zoning Ordinance nor does the City have development standards specifically for private battery energy storage facility. For that reason, the applicant has requested in the associated rezoning application for PAD zoning that underlying A-1 (General Industrial) zoning district requirements be applied with certain deviations from the Zoning Ordinance.

Lastly, the project is not consistent with the goals in the Freeway Corridor Specific Plan as described below:

- Objective 2: Establish design requirements based on and specific to the General Plan designation of a developable property to ensure Freeway Corridor subareas achieve their intended purposes:
- General Plan Land Use Element Goal 8, Policy A: Encourage mixed use areas to be vertically integrated developments comprised of residential, retail, dining, office, and entertainment/recreational uses in order to promote pedestrian activity.

The proposed battery energy storage facility use does not encourage a mix of uses, is not an integrated development, and does not promote pedestrian activity.

DISCUSSION:

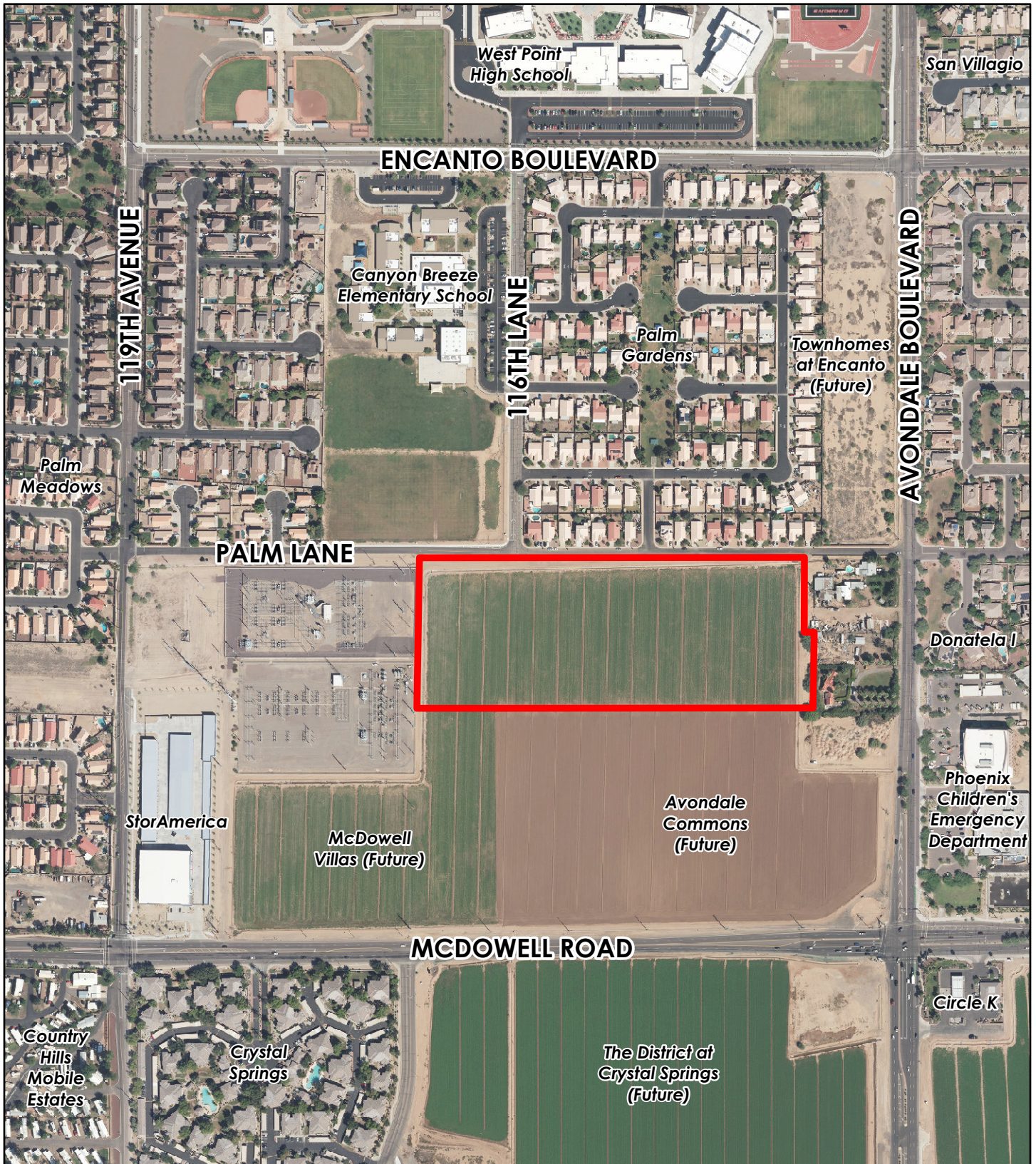
Staff finds this request does not meet the four (4) findings and recommends denial of the proposed major General Plan Amendment.

BUDGET IMPACT:

The proposed major General Plan amendment would eliminate planned mixed use development for residential and commercial uses, which may affect the City's anticipated tax revenue from this designated mixed use property.

RECOMMENDATION:

This item is for discussion only. No action will be taken.

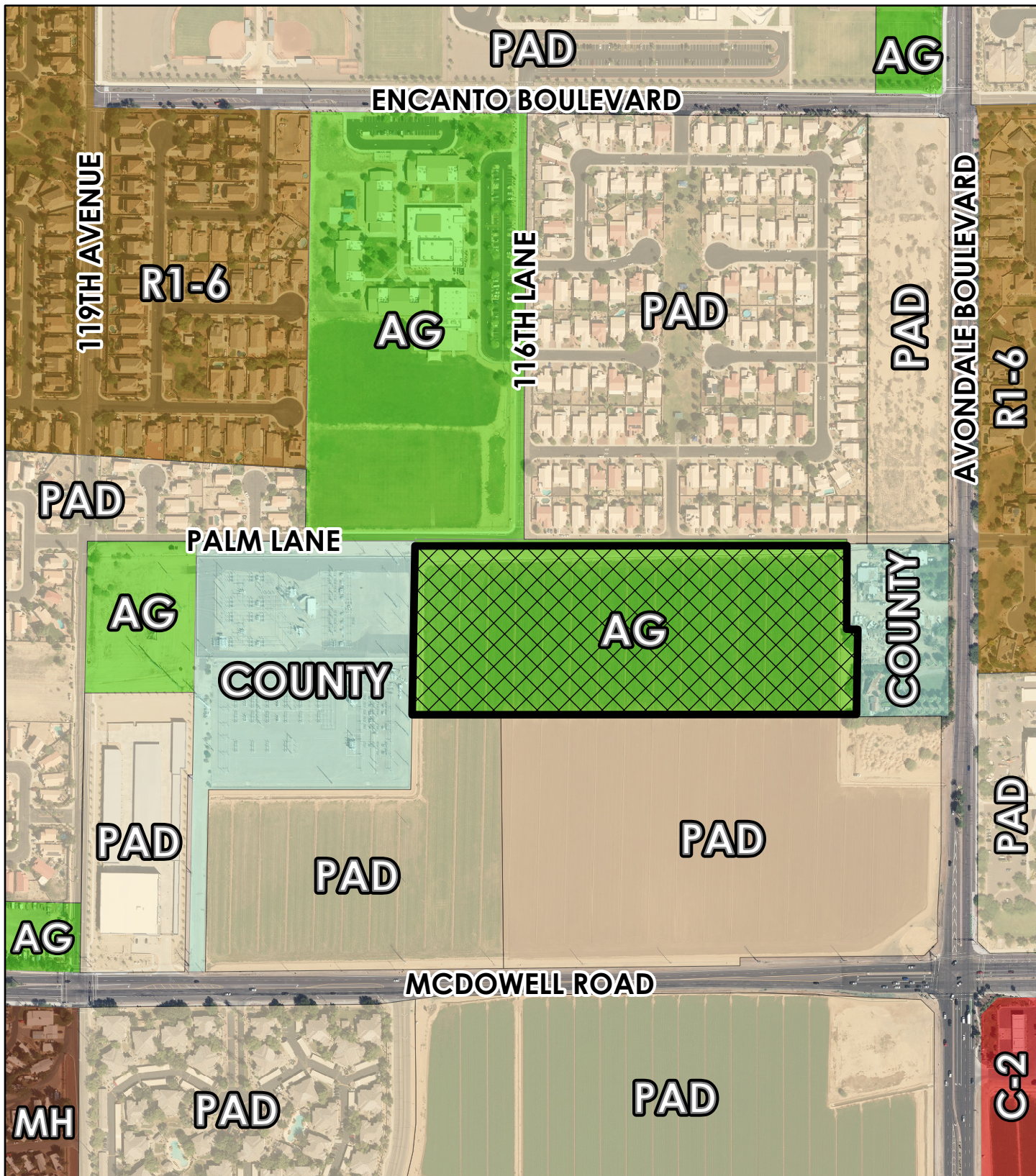


Aerial Map



 Subject Property



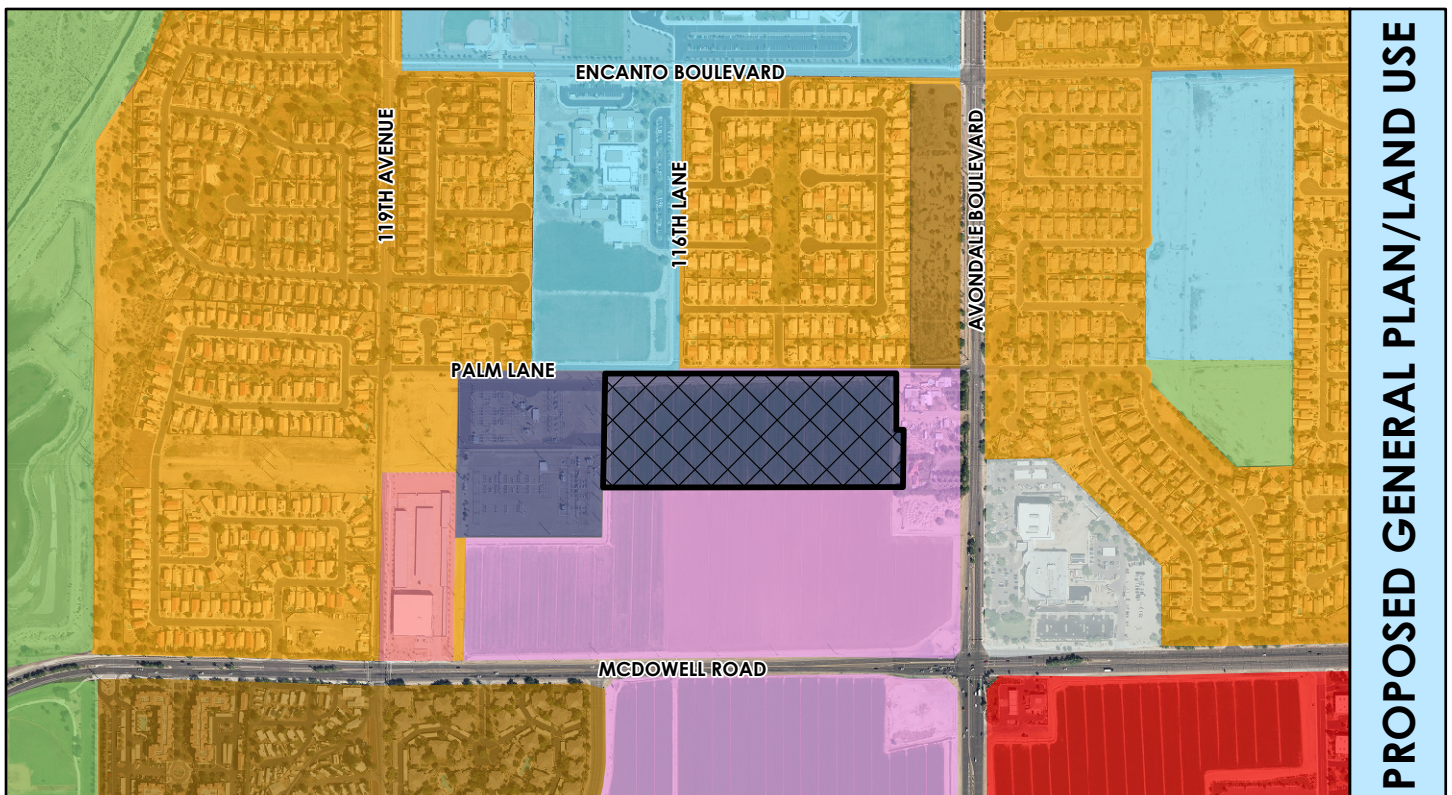
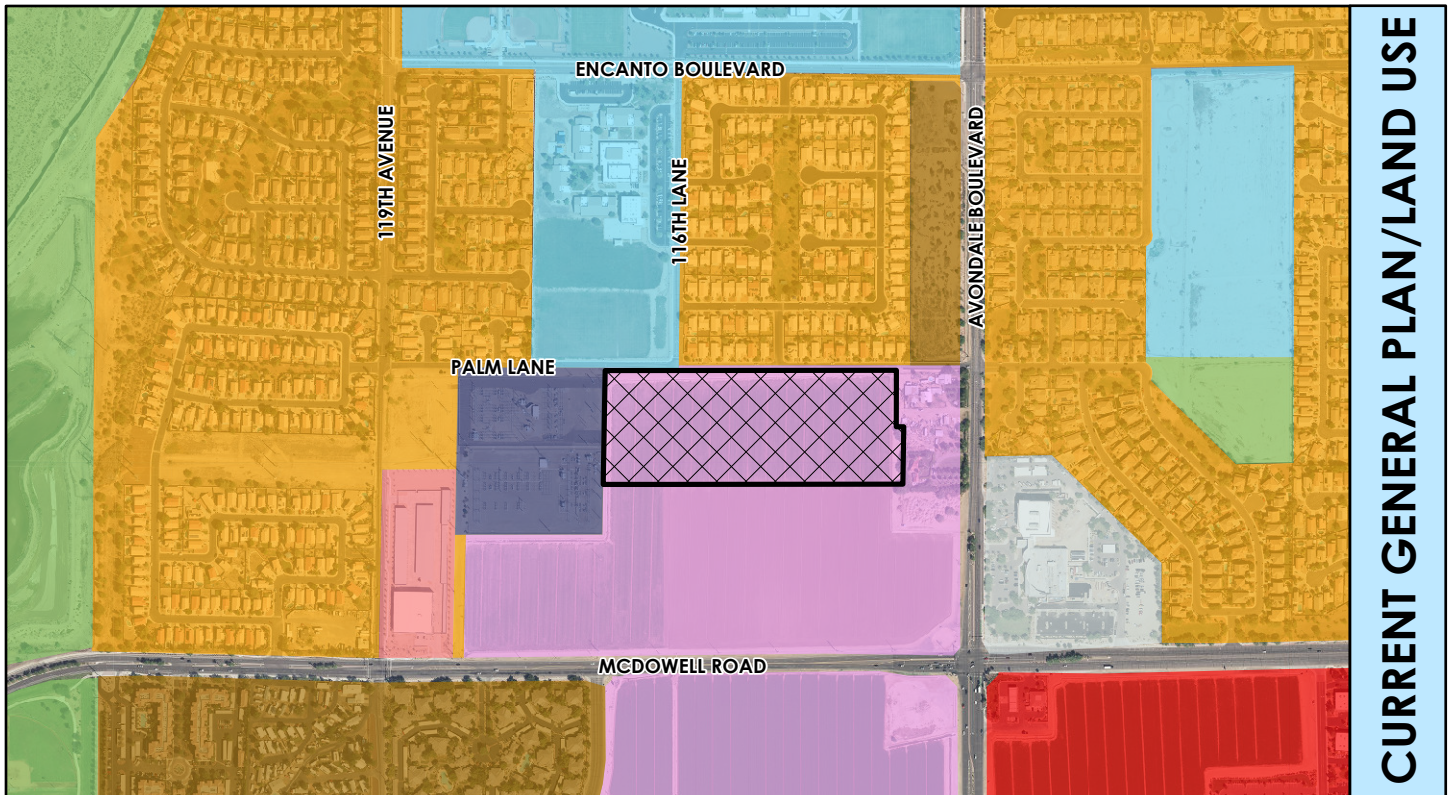


Zoning Vicinity



Subject Property





Proposed General Plan/Land Use

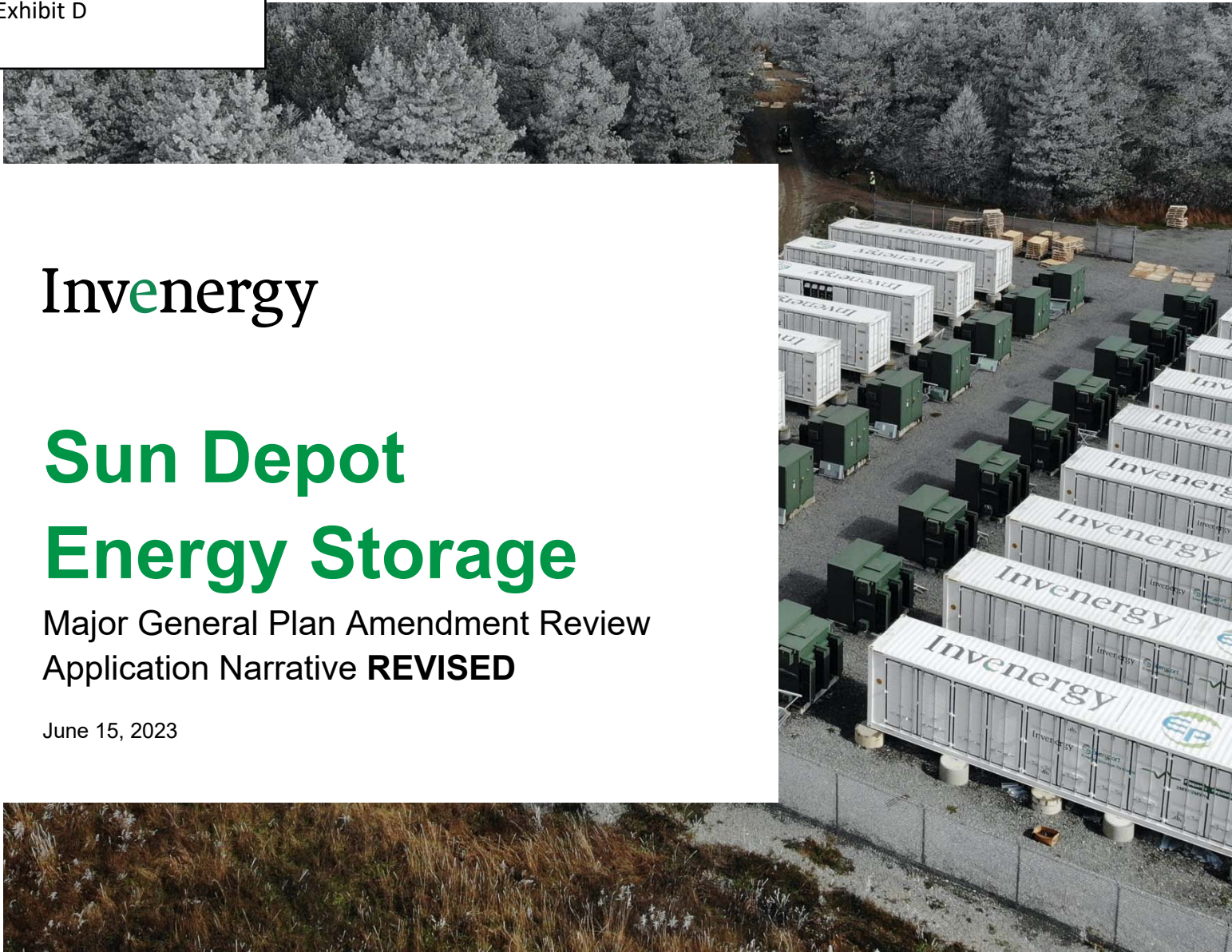


- Medium Density Residential
- High Density Residential
- Local Commercial
- Freeway Commercial
- Mixed Use
- Office/Professional
- Open Space and Parks
- Public/Civic
- Education



Subject Property





Invenergy

Sun Depot Energy Storage

Major General Plan Amendment Review
Application Narrative **REVISED**

June 15, 2023

Prepared By:

Invenergy

Paul Burman
Senior Manager, Renewable Development
(971) 346-4985
pburman@invenergy.com

Laura Miner
Vice President

Property Owner:

Sun Depot Energy Storage LLC

1 S Wacker Dr, Suite 1800
Chicago, IL 60606

Table of Contents

1.0	PROJECT NARRATIVE	3
1.1	PROJECT LEGAL DESCRIPTION	3
1.2	PROJECT LOCATION	3
1.3	PROJECT OVERVIEW	3
1.4	AVAILABILITY OF CURRENT AND FUTURE WATER SUPPLIES	3
1.5	IMPACT ON CITY'S TRANSPORTATION SYSTEM	4
1.6	IMPACT ON NATURAL ENVIRONMENT	4
1.7	PROPOSED CONTRIBUTION TO GP2030	4
1.8	IMPACT ON CITY SERVICES	5
1.9	2012 LAND USE PLAN INADEQUATELY PROVIDES FOR CHANGE PROPOSED IN AMENDMENT AND THE PROPOSED AMENDMENT CONSTITUTES AN OVERALL IMPROVEMENT TO THE PLAN THAT WOULD BENEFIT THE COMMUNITY.	5
1.10	PROJECT WILL NOT ADVERSELY IMPACT COMMUNITY	6
1.11	PROJECT CONSISTENCY WITH INTENT OF THE 2012 PLANS AND OTHER ADOPTED PLANS, CODES AND ORDINANCES	6
1.12	PROJECT WILL HELP ACHIEVE INITIATIVES AND GOALS CONTAINED WITHIN THE AVONDALE STRATEGIC FIVE-YEAR PLAN	8
1.13	THE PROPOSED PUBLIC/CIVIC GENERAL PLAN LAND USE CATEGORY IS APPROPRIATE FOR THE PROPOSED LAND USE	8
2.0	ABOUT INVENERGY	10
2.1	COMPANY OVERVIEW	10
2.2	INVENERGY'S BATTERY ENERGY STORAGE EXPERIENCE	11
	<i>Storage Track Record & Technology Innovation</i>	11
2.3	SUSTAINABLE SOLUTIONS PLATFORM	12
2.4	SOLUTIONS TAILORED TO CUSTOMER NEEDS	13

1.0 Project Narrative

1.1 PROJECT LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF AVONDALE, COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Lot 2, AVONDALE MARKETPLACE, according to Book 1043 of Maps, page 11, records of Maricopa County, Arizona

APN: 501-74-890

1.2 PROJECT LOCATION

The Sun Depot Energy Storage LLC (hereinafter referred to as “Sun Depot”) seeks a Major General Plan Amendment from Mixed Use to Public/Civic to develop a battery energy storage facility (“Amendment”). The project is located on a 15.47-acre parcel on the south side of West Palm Lane between North Avondale Rd and N. 119th Avenue and within Section 36, Township 2 North Range 1 West of the Gila and Salt River Meridian (the “Property”). The Property is currently zoned AG – Agricultural Zoning District under the City of Avondale (“City”) Zoning Ordinance (*Code).

1.3 PROJECT OVERVIEW

Sun Depot requests a General Plan Amendment so that a battery energy storage facility (the “Project”) can be constructed on the Property. The Project would store up to 200 MW / 800 MWh of energy capacity received from the electrical grid and would serve peak energy demand requirements for Arizona residents. The Project would connect to the White Tanks 69 kV Substation, which is situated on the adjacent lot immediately to the west of the proposed Project. The adjacent utility substation is co-owned by the Arizona Public Service Company (“APS”) and the Salt River Project (“SRP”). Sun Depot intends to use commercially appropriate battery technology for this Project—likely to be lithium-ion based—optimized for battery efficiency and safety. The Project will be remotely operated and monitored at all hours via regionally based staff as well as staff at the national control center located at Sun Depot headquarters.

When construction is complete, the Project is anticipated to include up to 348 non-occupied battery cabinets, 58 power converter systems, 17 auxiliary transformers, two small buildings containing the controls for operation, and two substations with transmission lines connecting into the adjacent White Tanks 69 kV Substation’s APS and SRP bays. Battery energy storage technology is rapidly evolving, and the specific project design will evolve over time in response to technological advances and market factors.

In addition to this requested Major General Plan Amendment, a rezoning application will be necessary to permit this project for the proposed use.

1.4 AVAILABILITY OF CURRENT AND FUTURE WATER SUPPLIES

The project is likely to have a positive impact on the City’s future water supplies. The project site is currently zoned agricultural and is actively farmed – most recently for alfalfa and cotton. These water intensive applications are served by groundwater wells and irrigation structures on site or in the immediate vicinity. Upon operation of the battery energy storage facility, ongoing project water usage will be minimal.

Upon site operation, Sun Depot Energy Storage LLC will pledge grandfathered groundwater credits to the City.

During construction, water will be used for dust suppression. Peak water usage during site grading work may exceed 30,000 gallons per day during site grading (1 month). Daily water use during construction is likely to be less than 10,000 gallons per day when no grading activities are occurring.

The site will not be manned during operations, and regular water use will primarily be limited to landscape irrigation water and domestic use.

The project parcel is located within the City's Utility Service Area. The proposed project water usage will be evaluated in comparison to the water usage projected by City's General Plan 2030 Land Use map, not agriculture.

1.5 IMPACT ON CITY'S TRANSPORTATION SYSTEM

The project is not expected to materially impact the City's transportation system, either during construction or during operations. A traffic impact statement will be completed prior to construction.

Traffic during construction will be limited in time and duration, but will include frequent deliveries (limited to daylight hours) of equipment and materials by truck during the 12-18 month construction period.

During operation, the Project will function without on-site staff. Accordingly, routine traffic to and from the Property will be minimal, generating approximately 5-25 trips per week, as necessary. There will be no designated off-street parking provided for this project. The site will be in continuous operation 24-hours a day, 7-days a week and manned remotely from off-site monitoring and control centers.

The Project will feature two access points with paved driveways, 30 feet in width, proposed on the north side of the Property and connecting to existing W. Palm Lane for normal operations – spaced approximately 1,000-feet apart. Access to the Property will be controlled by sliding gates located at the perimeter wall.

1.6 IMPACT ON NATURAL ENVIRONMENT

The development of this Property for battery energy storage will have a minimal impact on the City's natural environment. The Property's current use for agriculture means the area has been previously disturbed, and serves limited habitat purposes.

As envisioned, the site will not impact hillsides, riparian areas or floodways (none located on site). Additionally, all stormwater and runoff will be contained on site, ensuring that runoff from storm events will not impact local waterways.

The Property is located adjacent to existing industrial infrastructure – the APS & SRP White Tank 69kV substation. The development plans for the site will incorporate vegetation (native shrubs and trees) around the perimeter of the site for screening, and potential habitat purposes.

1.7 PROPOSED CONTRIBUTION TO GP2030

The Sun Depot Project helps the City meet development objectives in a way that is consistent with the desired character for the surrounding area. The Property is located adjacent to an existing electrical substation currently designated as public/civic use under the Avondale General Plan 2030 (the "General Plan" or "GP2030").

The proposed Project will further the City's Sustainable Development objectives as laid out in the General Plan. The Project promotes the expansion of renewable energy (Goal 2) by providing facilities to store clean power generated from

solar resources. The Project will also partially mitigate the visual impact to surrounding properties of the existing White Tanks 69 kV substation (Goal 5) by providing masonry wall screening and landscaping around most of the project footprint. The Project's wall design and landscaping plan will help the Project integrate into the desired character of the community.

The area's two primary electric utilities, APS and SRP, have both short-term and long-term goals to increase renewable energy generation within their systems, which will ultimately result in cleaner and more affordable electricity for the City and the entire state of Arizona. The proposed Project is integral to the further development of renewable energy facilities in Arizona.

Additionally, jobs will be created by the Project during Project construction and operations that are in excess of the number of jobs supported with the current land use (annual field crop agriculture – cotton and alfalfa) and will help Avondale increase the city job to population ratio and job per square foot ratio. This is consistent with the Land Use Element Goal 3, Policy A to "[d]evelop the I-10 corridor into the City's premier business and employment area by encouraging uses that provide a high ratio of well-paying jobs to square footage." (General Plan p. 41). During construction, 45-60 skilled labor jobs will be supported over a 12-18 month period. During the operations phase, 2-3 skilled labor jobs will be supported.

1.8 IMPACT ON CITY SERVICES

The Project impact on city services is expected to be minimal after construction is completed. The Property will require minimal water and sewage services and is not expected to require police service.

The largest potential impact of a battery energy storage facility would be a potential fire event. While these events are rare and not expected, they will require a coordinated emergency response. Sun Depot will work closely with the Avondale Fire Department to develop an emergency response plan that ensures the health and safety of the surrounding community and first responders. The Project will be designed in line with or in excess of all relevant IFC and NFPA fire codes for Avondale.

The project is required to meet the fire flow capacities indicated by the City and will provide water system modeling of existing infrastructure to confirm the capacity of the existing water infrastructure. If system upsizing, extension, or looping is required to meet fire flow requirements, the project shall design, permit, and construct the required water system improvements required to meet the fire flow demands in accordance with the City's standards. The project will provide a water and sewer design report to confirm availability and capacity of existing water and sewer infrastructure for the project.

The Project will provide two remote access points that enter the site from at least two different directions.

It is envisioned that the Project will provide approximately \$12 million of tax revenue to Avondale over the Project lifetime.

1.9 2012 LAND USE PLAN INADEQUATELY PROVIDES FOR CHANGE PROPOSED IN AMENDMENT AND THE PROPOSED AMENDMENT CONSTITUTES AN OVERALL IMPROVEMENT TO THE PLAN THAT WOULD BENEFIT THE COMMUNITY

While the Avondale GP2030 did envision and anticipate the growth of renewable energy throughout the region, the rapid rise of renewable energy sources, specifically solar power, and the need for battery energy storage systems like the proposed Project could not have been anticipated. The increased use of renewable energy has been fueled by planned retirements of coal facilities in the region, and the significant reduction in price to install solar facilities. Solar is cost competitive with conventional generation facilities and has been rapidly deployed statewide to meet surging energy demand.

The GP2030 seeks to promote the expansion of renewable energy and solar to meet sustainable development goals, but did not envision the important role that battery energy storage technologies would play in ensuring grid reliability in the new energy environment. Utility scale battery technology helps to reduce reliance on polluting energy sources to meet peak demand needs, while also helping to absorb excess energy when solar is providing surplus power to the grid. In short, battery technology is now helping to improve grid stability, enhance grid reliability, and reduce costs to end consumers.

Battery technology is best deployed in load centers (e.g. close to the end users) in locations that are adjacent to existing energy infrastructure like a substation. As such, the proposed Property is ideal for the development of a battery energy storage facility like the Project because it is next to the existing White Tanks 69 kV Substation. The GP2030 is silent on battery technology, in general, and did not adequately plan for this necessary public utility infrastructure adjacent to the City's existing substations. This amendment application requests that the City amend the General Plan Designation for the Property from Mixed Use to Public/Civic. A Public/Civic Land Use Designation is consistent with the General Plan Designation for the adjacent property to the west of the Project Property.

Accordingly, an amendment to the GP2030 to allow for a battery energy storage facility at this location would constitute an improvement to the Plan and would benefit the community at large with a more reliable energy grid. As temperatures increase and demand for cooling intensifies, battery technologies will help utilities avoid grid failures or blackouts – helping to keep the lights and air conditioning on when the community needs it most.

1.10 PROJECT WILL NOT ADVERSELY IMPACT COMMUNITY

The proposed amendment will not adversely impact the community or a portion of the community.

The proposed amendment will not significantly alter the acceptable land use patterns. In fact, the proposed amendment will ensure the Property's General Plan Designation is consistent with the General Plan Designation of the adjacent substation property. The proposed Project would replace an agricultural field that has limited daily usage (typically farmed for alfalfa or cotton). Use of the Property for the battery energy storage facility Project for the adjacent White Tanks substation will not significantly alter the acceptable land use pattern.

The proposed amendment will not require larger or more expensive public infrastructure improvements (such as roads, water, wastewater, and public safety facilities). When operational, the Project will probably not require daily traffic (the site will likely be remotely monitored) and, therefore, will not impact local road usage or traffic. The Project water and wastewater usage will be minimal during operations (likely similar to single family household usage), and will not require special accommodation from the city utilities to meet site requirements. The Project will work closely with the Avondale Fire Marshal to develop an emergency response plan that prepares first responders in the event of a fire emergency – no resources in addition to the services already provided by Avondale will be required to respond to an emergency event on site.

The proposed amendment will not adversely impact existing land uses. The Project will not adversely impact existing land uses. The Project is located adjacent to a substation and high voltage electrical infrastructure and will compliment that existing land use. The Project will feature a privacy wall to minimize any visual disturbance to adjacent residential facilities.

1.11 PROJECT CONSISTENCY WITH INTENT OF THE 2012 PLANS AND OTHER ADOPTED PLANS, CODES AND ORDINANCES

The proposed battery Project is the type of project that GP2030 seeks to incentivize. Development of battery energy storage facilities like this Project are critical to further the GP2030 stated goal of sustainable development and is, frankly, necessary to implement GP2030's state-mandated Energy Element.

Sustainable development is both a goal and a priority in GP2030. GP2030 is organized around eight essential themes intended to guide development in Avondale. “Sustainable Development” is one such theme of the General Plan. General Plan at page 7-8. In fact, “‘Sustainability’ is the cornerstone of [GP2030] that is supported by the participants in the planning process...” and it is therefore “vital that good practices of sustainable development be put into effect...” General Plan at 76. “The themes of [the] General Plan independently and collectively support the concept of smart growth and sustainability.” General Plan at 9. Consequently, the guiding principle of sustainable development should be read throughout the document and its interpretations.

“Sustainable development is responsible managed growth that balances present demands with future demands in terms of energy,” among other things. General Plan at 76. Indeed, “Energy” is the first element of the GP2030 Sustainable Development Theme and mandates a focus on “expanding the use of renewable sources.” General Plan at 7. “Through the Energy Element, Avondale is committed to being a leader in energy efficiency, reducing energy demand, and furthering the use of alternative and renewable energy sources.” General Plan at 76. Specifically:

“Through the Energy Element, Avondale is committed to being a leader in energy efficiency, reducing energy demands and furthering the use of alternative and renewable energy sources. Avondale is committed to focusing on ways to reduce energy consumption and move toward alternative clean energy sources....” General Plan at 76.

This emphasis on energy in GP2030 is required in the State of Arizona pursuant to A.R.S. 9-461.05(E)(10) and is in line with federal policy, which centers around our need for reduce dependency on foreign oil and fossil fuels. In particular, “(b)ecause of Avondale’s abundance of sunshine, solar power is an attractive and viable renewable energy source. Avondale will promote energy efficiency by evaluating programs that ... further the use of alternative renewable energy.” General Plan at 77.

Relevant to the Project, the first two goals of the Energy Element are:

Goal 1: Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning;

Goal 2: Promote expansion of renewable energy, including the policies of studying areas that may be suitable for locating commercial renewable energy facilities, modifying local codes and regulations to encourage private, residential scale renewable energy, and plan for distributive generation facilities, such as solar.

General Plan at 82.

The Project will increase energy efficiency and maximize the use of clean renewable energy that provides power without the use of fossil fuels. As described by the U.S. Department of Energy:

“energy storage is a critical step on the path to getting more renewable power on the system, supporting a growing fleet of electric vehicles, making the grid more reliable and securing the clean energy future. Accelerating the development and testing of new energy storage technologies that are more cost-effective, safe and durable is crucial ... to providing clean, affordable, and resilient energy to everyone, everywhere, anytime.”

“Grid Storage Launchpad” by Office of Electricity, Department of Energy (<https://www.energy.gov/oe/grid-storage-launchpad>).

“Battery storage is one of several technology options that can enhance power system flexibility and enable high levels of renewable energy integration.” “Grid-Scale Battery Storage” by USAID and NREL, published September, 2019 (<https://www.nrel.gov/docs/fy19osti/74426.pdf>).

In addition to enabling high levels of renewable energy integration, battery storage increases the reliability of an aging electrical grid and can reduce the cost of electricity. “Energy Storage 101: how energy storage works” by Utility Dive, published July 18, 2022 (<https://www.utilitydive.com/spons/energy-storage-101-how-energy-storage-works/627194/>). In particular, “battery energy storage systems interconnected to the transmission system [i.e. interconnected to a substation] can provide a broad range of ancillary and transmission-related services.” “Grid-Scale Battery Storage” by USAID and NREL, published September, 2019 (<https://www.nrel.gov/docs/fy19osti/74426.pdf>). Energy storage in these locations provides additional local and system capacity at the most critical times and allows electrical prices to be stabilized by charging an energy storage system when electricity is cheapest and discharging when it is most expensive.

Because of GP2030 repeated emphasis on renewable energy and energy efficiency as a priority, the Project clearly conforms to the stated goals and priorities of the Sustainable Development theme and the overall the Plan. Energy efficient policies are required under Arizona law and the General Plan instructs us to hold sustainability as the “cornerstone” of the plan for development in Avondale. The Project clearly advances the goals of GP2030. For more information, please refer to the April 13, 2023 letter from Project counsel Lea Phillips, Ballard Spahr LLP.

1.12 PROJECT WILL HELP ACHIEVE INITIATIVES AND GOALS CONTAINED WITHIN THE AVONDALE STRATEGIC FIVE-YEAR PLAN

The proposed battery energy project will help Avondale achieve a number of initiatives and goals contained within the Avondale Strategic Five-Year Plan. The project will be of specific importance to the following goals:

Creative and Sustainable Community Development Strategies. Battery energy storage will provide cross cutting support across strategic elements by stabilizing the electrical grid – a foundational component to all business, residential, and recreational activities within the city. Additionally, the project will help (4) *Increase sustainability initiatives such as renewable clean energy or sustainable design and construction* and (5) *Maintain and expand quality infrastructure and improve connectivity to city amenities*. Battery energy storage projects both help to advance sustainability goals and improve the quality of existing energy infrastructure to the direct benefit of the community.

Community-Oriented Lifelong Learning Opportunities. Early adopters of emerging technologies are provided with unique opportunities to (2) *Strengthen education-based partnerships* with local educational institutions such as Estrella Mountain Community College (EMCC), Rio Salado College, and Universal Technical Institute (UTI). Renewable energy and battery technology is in high demand throughout the southwest, and locally available battery facilities run by a world leader in this technology provide unique partnership opportunities.

1.13 THE PROPOSED PUBLIC/CIVIC GENERAL PLAN LAND USE CATEGORY IS APPROPRIATE FOR THE PROPOSED LAND USE.

As reflected in the February 8, 2023 letter from Ms. Jodie Novak, Director, Development Services Department, City of Avondale to Mr. Paul Burman, Invenergy, the Public/Civic land use category is appropriate for the proposed Project.

The Public/Civic land use category provides for a variety of civic, public, and quasi-public facilities for the health, safety, and welfare of the residents. Types of uses in this category include City government facilities, police and fire stations, community centers, libraries, water and wastewater treatment facilities, well sites, substations and other public facilities.

General Plan at 49.

The proposed Project is a public facility. While “public facility” is not defined in the General Plan, the General Plan does note that “[p]ublic facilities include parks, schools, electric substations, wells, City owned and operated water and wastewater treatment plants, police and fire stations, equipment and vehicle maintenance yards and refueling facilities, administrative buildings, landfills, transfer stations, and other public uses.” General Plan at p. 43. As we have described, the Project will interconnect to the adjacent substation to provide grid stability for the general public. The real property underlying the adjacent substation is also designated with the Public/Civic land use category. Therefore, we understand the Public/Civic land use category to be the most appropriate land use category for the proposed Project.

2.0 About Invenergy

2.1 Company Overview

Invenergy's name is synonymous with innovation in an industry undergoing transformation. As the world's largest privately held developer and operator of renewable power, Invenergy works with leading utilities, global brands and public sector partners to take energy infrastructure projects from drawing board to reality. Invenergy's 2,000 employees are united by a vision to be innovators building a sustainable world. Headquartered in Chicago, Illinois, the Company has successfully developed over 31 gigawatts of power projects across the Americas, Europe and Asia.

Totals

190 projects
31,010 MW



Wind

115 projects
18,086 MW



Solar

51 projects
6,474 MW



Natural Gas

13 projects
5,964 MW



Storage

18 projects
1,611 MWh

North America



Latin America



Poland



Scotland



Japan



Projects in operation, in construction & contracted

■ Headquarters	● Wind
■ Corporate Office	● Solar
	● Natural Gas
	● Storage

2.2 Invenergy's Battery Energy Storage Experience



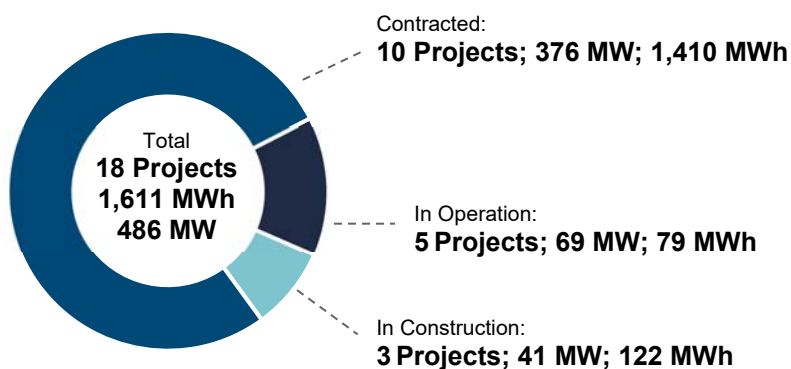
The picture above is an example of a previous battery energy storage project constructed by Invenergy. The white cabinets with the word “Invenergy” contain the batteries and power converter systems while the green auxiliary transformers sit adjacent to them.

Storage Track Record & Technology Innovation

As one of the earliest pioneers in advanced energy storage, Invenergy is today the world's leading privately held owner and operator of grid-scale batteries. Invenergy completed its first advanced battery storage project in 2012 and since then has amassed over 150,000 hours of battery system runtime experience. In 2019, Invenergy received the Energy Storage Association's Brad Roberts Award recognizing extraordinary accomplishments in the storage market and comprehensive industry commitment and participation.

Large-scale battery systems instantaneously absorb and inject energy to minimize infrastructure costs and help with grid management. Battery storage systems can have multiple applications and, depending on duration, tap different value streams as illustrated below.

Invenergy Storage Portfolio



Short Duration	Medium Duration	Long Duration
Frequency Regulation/Response	All Short Duration services, plus...	All Medium Duration services, plus...
Voltage Control/Reactive Support	Spinning Reserve	Energy Shifting
Renewable Firming	Peak Shaving	Backup Power

Whatever applications are called for based on a customers' unique needs; Invenergy's energy storage solutions can unlock additional value. Invenergy works with a variety of battery manufacturers and selects battery technologies and vendors that provide the best storage system based upon system reliability, performance, flexibility, and cost. Invenergy is agnostic to battery suppliers and will select a top tier battery supplier to provide a cost-effective and reliable energy storage system.

Invenergy uses lithium-ion battery technology, which is tested and proven and has been deployed world-wide. Invenergy has expertise across the major lithium-ion chemistries, including Nickel Cobalt Manganese (NMC), Nickel Cobalt Aluminum (NCA) and Lithium Iron Phosphate (LFP).

2.3 Sustainable Solutions Platform

Invenergy's diversified business serves broad market needs while taking on the world's biggest sustainability challenges.



Invenergy

Through its core business, Invenergy develops, owns and operates large-scale sustainable energy generation and storage facilities in the Americas, Europe, and Asia.



Invenergy Services

Invenergy Services provides operations and asset management for Invenergy-developed and third party-owned energy assets. With 13,799 MW of assets under management, Invenergy Services' owner's mindset drives its award-winning approach.



Invenergy Transmission

Invenergy has developed over 4,100 miles of transmission and distribution infrastructure to bring clean energy to market. Invenergy Transmission is currently advancing several HVDC transmission line developments throughout the Americas.



Invenergy Clean Water

Invenergy is tackling the next sustainability challenge with an emerging water infrastructure and desalination business.



As a founding partner of Energize Ventures, Invenergy is investing in digital solutions that drive affordability, reliability and security for energy and industry.

2.4 Solutions Tailored to Customer Needs

Invenergy's unique combination of full-service solutions, end-to-end execution ability, and relationship-driven approach has won it a reputation for meeting customer's needs with high-value projects delivered on time and on budget. Traditionally, Invenergy's approach has been to develop, build, own and operate projects; but the Company provides a full range of services and flexible structures to serve utilities, corporate buyers, asset owners, and financial institutions.

Full Range of Services and Flexible Structures

-
- | | | |
|----------------------------|---------------------|--------------------------|
| • Development-transfers | • Joint Development | • Short- and Long-Term |
| • Build-transfers | Agreements | Operations & Maintenance |
| • Engineering, Procurement | • Power Purchase | and Asset Management |
| and Construction (EPC) | Agreements (PPAs) | |

Invenergy also has deep technical expertise at every step of the project lifecycle. This is rooted in an engineering culture that recognizes the critical importance of project aspects like system design, transmission, and interconnection, which others are often comfortable outsourcing. End-to-end, fully integrated capabilities allow Invenergy to serve as the single entity responsible for project development, construction, financing and operations, with seamless execution from one phase to the next.

End-to-End, Fully Integrated Capabilities

-
- | | | |
|-----------------------|-------------------|----------------------------|
| • Project Development | • Transmission | • Project Construction |
| • Permitting | • Interconnection | • Asset Management |
| • Engineering | • Finance | • Operations & Maintenance |

Invenergy's involvement in projects from early development through operations ultimately benefits customers through higher project efficiency and quality. Invenergy's operations group constantly reports on how the latest equipment and system configurations perform under real-life conditions in the field, which immediately shapes procurement and design considerations by Invenergy's development, engineering and construction groups working on pipeline projects. This keeps Invenergy at the forefront of project design and construction practices and methods.

In addition to the services and capabilities it offers, Invenergy embraces a relationship-driven approach to business, based on the belief that a project can only be considered successful if all parties are engaged and satisfied. Customers, EPC contractors, and financial institutions who have choices about the power sector companies they work with consider Invenergy a preferred partner. That is why Invenergy has successfully completed over \$35 billion in transactions over the past two decades and over fifty percent of its projects represent repeat business.

January 8, 2024

Sun Depot Energy Storage

Located south of W. Palm Lane between
N. Avondale Boulevard and N. 119th
Avenue in Avondale, Arizona

Neighborhood Meeting Report

Case #s: PL-23-0053, PL-23-0177

Prepared for:

Sun Depot Energy Storage LLC

Invenergy

One South Wacker Drive Suite 1800
Chicago, IL 60606

Prepared by:



4550 N 12th Street
Phoenix, AZ 85014

CVL Project #: 1-01-0387401

Contents

1. Introduction	1
2. Neighborhood Notification Summary	1
3. Neighborhood Meeting Summary	2
4. Attendee Questions and Comments	2
5. Conclusion	6

Attachments

- Neighborhood Meeting Sign-in Sheet
- Neighborhood Meeting Comment Cards

This Neighborhood Meeting Report has been prepared and submitted to the City of Avondale (“City”) in support of the concurrent rezoning and major general plan amendment applications in progress for Sun Depot Energy Storage, a battery energy storage facility located on the south side of West Palm Lane between North Avondale Road and North 119th Avenue. This plan summarizes the steps completed by the applicant to involve the public in pursuit of the requested applications prior to the scheduled public hearings pursuant to Section 28-12 of the Avondale Zoning Ordinance, “Neighborhood Meeting.”

1. Introduction

The neighborhood meeting for Sun Depot Energy Storage was held at 6:00 pm on Thursday, January 4, 2024, in the Sonoran Conference Room of Avondale City Hall located at 11465 West Civic Center Drive, Avondale, AZ 85323. As stated in the notice for this meeting, the above-mentioned applications are to amend the current zoning on the subject property from AG “Agricultural” to PAD “Planned Area Development” zoning (Case # PL-23-0177) and for a major amendment to the Avondale General Plan 2030 land use designation from Mixed Use to Public/Civic (Case # PL-23-0053).

The project is intended to function as an extension of the existing public utility facility, providing enhanced grid reliability and allowing the integration of readily available renewable energy into the local electrical system. The project would store up to 200 MW / 800 MWh of energy capacity received from the electrical grid and would serve peak energy demand requirements for Arizona residents. The proposed project is integral to the further development of renewable energy facilities in Arizona.

2. Neighborhood Meeting Notification

The neighborhood meeting notification efforts listed below were completed by the applicant pursuant to Section 28-13 of the Avondale Zoning Ordinance, “Public Notification.”

- A legal advertisement was published in the Wednesday, December 20, 2023, edition of the Southwest Valley Arizona Republic newspaper identifying the date, time, and purpose of the meeting.
- The property was posted on Tuesday, December 19th, 2023, with one (1) public hearing notice sign identifying the date, time, and purpose of the meeting.
- A notice identifying the date, time, and purpose of the meeting was mailed on Monday, December 18th, 2023, by the applicant to all property owners within 1,000 feet. Planning Division staff was provided with the digital file of the

Property Ownership List containing the APN, property owner names, and mailing addresses (each in a separate column) and a parcel map showing the subject property and all parcels within 1,000 feet of the project boundaries.

3. Neighborhood Meeting Summary

The Sonoran Conference Room was set-up in an open house style with several large poster boards placed around the room featuring project information. A table with a sign-in sheet and stack of informational handouts were arranged by the door. Comment cards and pens were available for attendees to submit written comments. Seating was available in the room with a large screen at the opposite end to display a presentation.

Several attendees arrived early, and minor discussion was held prior to the start of the meeting at 6:00 pm. Attendees were greeted by a member of the development team at the door and several members of the development team were stationed at the poster boards around the room readily available to answer questions from the public.

From the initial open house portion of the meeting the attendees were seated in a theater style arrangement. A Power Point presentation detailing the project was given and contained open dialogue and opportunities for discussion between the representative and attendees throughout. A lengthy discussion was held after the presentation and all questions and comments from the attendees were heard, recorded, and addressed to the best of the development team's ability. The attendees who wished to provide written comments submitted their comment cards to the development team. The meeting was adjourned around 7:30 pm.

The neighborhood meeting comment cards and sign-in sheet are attached to this report for reference.

4. Attendee Questions and Comments

Fire/Emergency Response

How is the site monitored by Invenergy?

The site will be monitored 24/7 from the Invenergy HQ control room in Chicago with regular maintenance and emergency response staff located in the Phoenix area. The site is also equipped with alarms that alert the Invenergy HQ control room in the event of an irregularity.

What are the safety protocols?

Only qualified staff will be allowed on site. An Emergency Response Plan will be developed with the local fire officials, and site-specific training will be provided before the site becomes operational. Invenergy will collaborate as appropriate with local fire officials after the site becomes operational. Safety protocols also include conformance with National Fire Protection Association and International Fire Code Battery Energy Storage System standards for battery safety, UL 9540A fire testing for all battery vendors, remote monitoring of the battery storage systems, automatic controls and alarms.

How will Invenergy work with the local fire officials on an emergency response plan?

Invenergy will work directly with the Avondale Fire Marshal on the Emergency Response Plan and will provide training to fire department staff and first responders on the emergency response protocols.

Will Invenergy provide the fire department with funding for additional equipment necessary to respond to a fire event?

When operational, the project site will provide significant tax revenue that the City can allocate to the fire department. No additional funding or promises of funding are envisioned prior to receiving building permits to prevent any perceptions of bias in the fire marshal's decision around the approval of our design.

Where will our staff in Arizona be located and who will be responsible for responding to an emergency event from the Invenergy side?

Staff will be located in Maricopa County. Likely in the Phoenix area.

What does a fire event look like?

Invenergy ensures that all battery equipment conforms with National Fire Protection Association and International Fire Code Battery Energy Storage System standards for battery safety. Invenergy requires UL 9540A fire testing for all battery vendors, which demonstrates that fire will not spread from one battery module to another. Testing also confirms that, in the unlikely event that an entire battery unit catches fire, smoke will likely expel upwards and will dissipate quickly. During operations, there are multiple layers of fire safety (e.g., automatic controls, alarms, product testing, emergency response protocols and training) to ensure the severity of a fire event is minimal. The fire department will be trained and able to respond to a battery fire with standard issue equipment. The fire department would have information to aid in making sure adjacent battery units remain cool (e.g., with the use of water if needed) to defensively prevent a fire from spreading while the incident unit undergoes a controlled burn.

What is the risk to the immediate community in a fire event?

The project will be designed in accordance with NFPA 855, which advises that battery enclosures are located further than 100 feet from any property boundary. In addition to this setback, a Community Risk Assessment will be conducted by a third-party Fire Protection Engineer to ensure there is no risk the neighboring community in a worst-case-scenario failure event.

Comment from a resident that the risk of fire at this type of site may be lower than other types of developments.

Invenergy does not have data to compare the community fire risk of a battery development versus the risk of fire from other potential land uses.

Access/Palm Lane

Numerous comments regarding the negative impact that the High School (3,000 students) has had on local traffic/access.

(Appears to be a primary neighborhood concern, unrelated to our development)

No comment on the school traffic. The Invenergy development will have no discernable impact on traffic during operations.

Will Invenergy upgrade Palm Lane to improve neighborhood access?

Yes. Half-road improvements are proposed as part of this development.

If Invenergy upgrades Palm Lane in front of our parcel, will that create pinch points where the road is unimproved/underimproved adjacent to our property?

Invenergy has no legal rights or ability to improve the road outside of the project area.

Concerns about whether our development will increase neighborhood traffic.

During operations, there will be an average of 2-3 personnel on site per day. This will not have a discernable impact on area traffic.

Questions about whether our development will increase access to parking for residents.

Additional street parking on the public right of way outside of the Invenergy development will be determined by the City.

Adjacent Property Owners

How will the development affect the value of the adjacently located homes?

There is not yet enough data to quantify the impact of a battery storage development on adjacent property values. However, per City requirements, the development will have both landscaping and wall design specifications to ensure it fits with the community aesthetic. It is not known whether the presence of additional landscaping and a masonry wall will have a positive impact on property values.

Will the development have any visual impact on residents? Can they see the batteries?

The development will include a masonry wall and landscaping that includes trees and shrubs to shield the visual impacts of the project at grade.

Site Security

How will the project be gated? What kinds of materials do you need to ensure security?

Gate design is not defined at this time. The gates will need to allow for visual inspection of the site (chain link or rod iron bars). All gates will be secure to reduce the risk of intrusion.

Benefits to Avondale

If the project is on the APS system, will the project benefit SRP customers?

APS and SRP share energy resources, when needed, to ensure grid reliability.

How much revenue is provided to Avondale from project operations? How much revenue is provided to Maricopa County?

The project is estimated to provide \$13.6M in revenue to Avondale and Maricopa County, payable through property taxes.

General Comments

Number of questions related to specific details of batteries, design, layout, and emergency response for information. Requested that we finalize equipment procurement, site plan, and emergency response plan prior to rezoning.

These details are not known at this time due to the nature of where we are in the entitlements process – requesting the rezone to PAD and the Major General Plan Amendment. These details are subject to review when the project requests building permits from the City to construct the project. The project will be built using the best available technology and all components will meet or exceed current fire safety and building codes.

5. Conclusion

Sun Depot Energy Storage will transform the existing agricultural site into a facility that will provide enhanced grid reliability and allow the integration of readily available renewable energy into the local electrical system. The facility provides a good land use solution for the site that will not further the community's concerns regarding traffic, access, density, and parking in the area. Instead, the project will improve the current conditions with half street infrastructure improvements along Palm Lane, including landscaping to enhance the existing streetscape. Attractive perimeter walls and strategic site buffering contribute to screening efforts to maintain compatibility with the surrounding neighborhood.

The applicant will continue to update City planning staff on neighborhood coordination as the subject cases move forward to public hearing process. Updates will continue to be handled by e-mail, telephone, and in-person communications as needed.

Sun Depot Energy Center

[illegible]

LINDA RESSLER
RESSLER2@cox.net 85392
623-533622 11617 N ALHAMBRA RD

Julia Arnette 480 215 7717 juliaarnette@yahoo.com
2107 N 115th Ave

Debbie + Jeff Gipp 623-936-3308 Avondale

Hand Kussen of Kassen 26 a 11627 W. Hall
GD-6795701 2nd. com St. Avondale
AZ 85392

Sally Hineman 623 - Sally@hineman.us 1634 N. Avondale
363-1639 Avondale Blvd 85392

Edilma Brown 602-399-1860
ladycop2764@msn.com

Elaine Morenci ~~elaine~~ elaine.morenci@yahoo.com 11932 W Cypress
Avondale AZ 85392

Invenenergy

Was the open house informative and helpful?

☒ Yes

☐ No

Learn More
About the
Project:



Were we able to answer your questions?

☒ Yes

☐ No

mostly

How can we improve the open house experience?

Agree that Az data sheet appears to have inaccuracies & should be corrected.

Interested in data on fire risk compared with other business projects & residences. Plus more info on types of toxins that might be released in a fire event

What comments or questions do you have for us?

Generally speaking, I would support the project at this point due to: its a logical location adjacent to substation, will support the grid & ~~renewable~~ renewable energy should be quiet & traffic free

Do you want to be added to the Project mailing list?

☒ Yes

☐ No

Contact information: Sally Hineman
sally@hineman.us

623 363-1639

1634 N. Avondale Blvd
Avondale 85392

Was the open house informative and helpful?

☒ Yes

☐ No

Were we able to answer your questions?

☐ Yes

☒ No

Learn More
About the
Project:



How can we improve the open house experience?

Having more specific info at
frampton

What comments or questions do you have for us?

Safety is my greatest concern.

Do you want to be added to the Project mailing list?

☒ Yes

☐ No

Contact information:

Shaka Kassem
602 674 5701

Was the open house informative and helpful?

Yes

No

Were we able to answer your questions?

Yes

No

How can we improve the open house experience?

Learn More
About the
Project:



What comments or questions do you have for us?

Do you want to be added to the Project mailing list?

Yes

No

Contact information:

K. Conner

*Trafflet
Safety*

Was the open house informative and helpful?

Yes

No

Were we able to answer your questions?

Yes

No

How can we improve the open house experience?

Learn More
About the
Project:



What comments or questions do you have for us?

FIRE SAFETY, DOES F.D HAVE THE EQUIPMENT
to put out FIRE. HAZARD MATERIAL!

Do you want to be added to the Project mailing list?

Yes

No

Contact information:

LARRY MARTINO

11620 W. ALVARDO RD

AVONDALE AZ 85392

602-679-5701 ~ jmiol.com

11634 N. AVONDALE
AZ 85392

Sally Hineinan 602-363-1639 Sally@hineman.us 1634 N.
Avondale Blvd Avondale 85392

Wilma BROWN 602-399-1860
ladycop 2764@msn.com

Elaine Morenc 602-399-1860
elaine.morenc@yahoo.com 11932 W. CYPRESS
Avondale AZ 85392

Was the open house informative and helpful?

☒ Yes

☐ No

Were we able to answer your questions?

☐ Yes

☒ No

Learn More
About the
Project:



How can we improve the open house experience?

Clear information - Information not updated.

What comments or questions do you have for us?

Palm Valley Rd needs to be enlarged.
Fire Dept supply - money for equipment

Do you want to be added to the Project mailing list?

☒ Yes

☐ No

Contact information:

LINDA RESSLER lressler2@cox.net

From: [Arrianna Ramirez](#)
To: [Michelle Simerdla](#)
Subject: Sun Depot - Major General Plan Amendment - Application PL-23-0053 - 60-Day Review
Date: Tuesday, January 23, 2024 11:44:14 AM

From: RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE <jennifer.rahm@us.af.mil>
Sent: Tuesday, December 12, 2023 2:35 PM
To: Arrianna Ramirez <aramirez@avondaleaz.gov>
Subject: RE: Sun Depot - Major General Plan Amendment - Application PL-23-0053 - 60-Day Review

This Message Is From an External Sender

This message came from outside your organization.

Good afternoon Ms. Ramirez,

Thank you for the opportunity to provide comments on the Major General Plan Amendment for the proposed Sun Depot Energy Storage. This request proposes the change in zoning from Mixed-Use to Public-Civic for an approximately 15.47-acre parcel located west of Avondale Blvd and along Palm Lane in Avondale, AZ. The purpose of the rezone would be to develop a battery energy storage facility. The site would have a static mast up to 65 feet in height and a maximum height of 60 feet for a 69kV gen-tie line. The site is adjacent to an existing switch yard. The site is approximately 4.82 miles outside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the narrative, this project will not negatively impact the flying operations at Luke AFB. The site is located inside the "territory in the vicinity of a military airport," and may be subjected to approximately 170 over flights per day. We recommend a strong notification program on the part of the applicant to inform future users about Luke AFB operations.

Respectfully,

Jenn Rahn

Senior Planner, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Arrianna Ramirez <aramirez@avondaleaz.gov>
Sent: Thursday, November 30, 2023 4:06 PM
Subject: [Non-DoD Source] Sun Depot - Major General Plan Amendment - Application PL-23-0053 -

60-Day Review

Hello,

This letter serves as notification of the 60-day review period for a General Plan Amendment pursuant to Section 9-461.06.D of the Arizona Revised Statutes. An application for a Major General Plan Amendment has been submitted to the City of Avondale for review. PL-23-0053 Sun Depot is a proposed 15.6 gross-acre private battery storage project located approximately 281 feet west of the southwest corner of Avondale Boulevard and Palm Lane, (See attached Major General Plan Amendment Narrative).

The present Avondale General Plan 2030 Land Use Map designation for the subject site is Mixed Use, which is a land use category for a mixture of residential and commercial. This category encourages innovatively designed developments, which create a core living environment, reflective of a village concept where residents can live, work, and recreate within the same development or close by.

The proposal will amend the General Plan 2030 Land Use Map for the 15.6 gross-acre subject property to Public/Civic, which is a land use category that provides for a variety of civic, public, and quasi-public facilities for the health, safety, and welfare of the residents. Types of uses found in this category include City government facilities, police and fire stations, community centers, libraries, water, and wastewater treatment facilities, well sites, substations, and other public facilities.

The official 60-day review period will occur from **November 30, 2023 to January 29, 2024**.

The City of Avondale invites you to review and provide written comments on the request by January 29, 2024. Please send your comments to: City of Avondale Development Services Department, Planning Division; 11465 W. Civic Center Drive; Avondale, AZ 85323; Attn: Michelle Simerdla, or by email to msimerdla@avondaleaz.gov. Please contact me if you have any questions or would like additional information. I can be reached by phone at (623) 333-4022 or the email listed above.

Thank you in advance for your participation and valued feedback.

Arrianna Ramirez

Administrative Assistant

City of Avondale

Development Services

11465 W. Civic Center Dr.

Avondale, AZ 85323

Phone (623) 333-4220

The City of Avondale is open Monday - Thursday, 7 AM - 6 PM.

Avondale Connect

Debbie, 15 days ago

Alert moderator

I agree 100% with comments by Kerry. We too have lived here 25 years and the apartment building is literally in our back yard. We have no choice but to tolerate that, and now a battery storage facility?? Would YOU want to live by that?? No! Please vote this down.

Do you agree? 👍 1 🗳️ 0



Kerry, 15 days ago

Alert moderator

We've lived in this neighborhood for 25 years and have come to accept the changes that are happening all around us. It's very sad, but we've accepted it. This, we CAN NOT accept! Avondale has chosen to let a children's hospital, grade school, and apartment building build in this area, and now Avondale is going to allow a BATTERY STORAGE FACILITY to build directly in this vicinity???? Doesn't anyone in Avondale care about safety? What about contamination or fires? What about the safety of those of us who have lived in this neighborhood for years. Do we not matter anymore? This will not help the value of our homes and many will try to get out before that happens. This is one of the worst decisions we have seen Avondale make and I hope the decision is reversed. I hope everyone stands up and voices their concerns. This affects all of us living by this proposed facility and will affect all of our lives.

Do you agree? 👍 1 🗳️ 0



emor, 21 days ago

Alert moderator

I have major concern with this project. Our small area has already been affected by a large volume of traffic due to new high school, apartments going up, new river run home development, new townhouses, and medical buildings. Residents on palm lane and nearby have to deal with all the traffic from both schools for drop off and pick up as well as people living in this area leaving and coming from work. 119th avenue has become a major street. Adding an additional business will only increase our neighborhood streets with people going to work at this site. In addition I am concerned with the safety of this project with the number of homes and schools nearby. Avondale please listen to community and move to a commercial area.

Do you agree? 👍 2 🗳️ 0



MrsJ, 28 days ago

Alert moderator

Our small community has been hit hard enough with the high school. We are feeling the negative impact of that daily! We have had an uptick in the crime and destruction and now we have the townhomes going in just east of palm gardens. Please stop and take more consideration for our neighborhood. If this was your neighborhood, would you want it? This is not what we want or need in our community. The risks seem to outweigh the benefits. Please do the right thing and put this in a non residential area.

Do you agree? 👍 3 🗳️ 0



HMS, 28 days ago

[Alert moderator](#)

When searching 'Sun Depot Energy Storage' on Google, the following 2 links seem to have a little bit of information about the project. However, hardly enough for us residents to make an informed decision. Is such information only shared at meetings?
<https://sundepotstorage.invenenergy.com/> https://arizona.invenenergy.com/assets/img/Inv-in-Arizona/INV_ProjectFactSheet_Dev_SunDepotStorage_v2.pdf

Do you agree?  2  0



Jmb, 28 days ago

[Alert moderator](#)

No, no , no!!! I live in the neighborhood just north of this plot of land for 10 years. I don't want this plant anywhere near us nor should it be anywhere near any residential neighborhood, schools, or hospital (Phoenix Children's Hospital). In addition, we've already lost our view of the mountains to the south due to buildings). How much more are you going to hurt our neighborhoods? Please don't build this plant here. It will be a hazard and an eye sore.

Do you agree?  4  0



brianjsw, 29 days ago

[Alert moderator](#)

This is the type of thing where when it catches fire and you see it on the news you just shake your head and wonder which people thought it was a good idea to let somebody build something like this across the street from a bunch of homes. Don't be those people, please. Reject this zoning request.

Do you agree?  4  0



Walter D Gonzales, 29 days ago

[Alert moderator](#)

No No No. Heck to the No. Seems dangerous to have this next to a neighborhood and power station. Please No

Do you agree?  4  0



Lisa, 29 days ago

[Alert moderator](#)

NO. I do not want this land to be used for a privately owned battery storage. Thinking about all the things that could go wrong. Just NO! Too dangerous. Get it away from our community away from the residential area!

Do you agree?  3  0



Sheryl S, 29 days ago

Alert moderator

Sun energy storage to used privately by whom. If there is a list of individual, companies or government use, I feel a list should be provided by Avondale community. As looking at the map of the location, will storage bring harm to nearby school, neighborhood, children's, elderly or buildings in the area. Is there a website available for Avondale community to look into further. A diagram would be helpful besides the map of the location. Provide the Avondale community/ residents for information. I hope Avondale residents/ community will return to Facebook with a link available through the City of Avondale. Unfortunately, as visually impaired/hearing impaired I'm unable to attend the meeting in person. Is it possible to provide a link such as Zoom available to upcoming discussions on this project. This is vital importance to the city of Avondale. Sincerely, Avondale Resident

Do you agree? 👍 5 🗨️ 0



Debbie, 29 days ago

Alert moderator

I oppose this project. I live in Palm Gardens (the community right across Palm Lane shown in picture above)and really would prefer it to not be that close to our homes. It's bad enough I'm going to have a giant apartment building in my back yard.(Encanto Townhomes). We have lived here 25+years and are very disappointed with some of the cities decisions.

Do you agree? 👍 5 🗨️ 0



Ballard Spahr LLP

1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
TEL 602.798.5400
FAX 602.798.5595
www.ballardspahr.com

Lea A. Phillips
Tel: 602.798.5464
Fax: 602.798.5595
phillipsla@ballardspahr.com

April 13, 2023

Via e-mail (jnovak@avondaleaz.gov)

Development Review Committee, City of Avondale
Development Services Department
C/O Jodie Novak
11465 W. Civic Center Drive
Avondale, Arizona 85323-6804

Re: Sun Depot Energy Storage
West of the southwest corner of Avondale Boulevard and Palm Lane, north of
McDowell Road (APN No. 501-74-890) (the "Property") Major General Plan Map
Amendment – Application PL-23-0053

Dear Ms. Novak, the Development Review Committee, and the Avondale Development
Services Department:

As you know, Ballard Spahr LLP represents Sun Depot Energy Storage LLC ("Sun
Depot") with respect to the development of a 200 MW battery energy storage system (the
"Project") adjacent to the existing White Tanks 69 kV Substation.¹ Sun Depot is in receipt of
the Development Review Committee's March 23, 2023 letter containing proposed revisions
and informational comments for the Project and is preparing a revised General Plan
amendment and PAD rezone application in response to those proposed revisions and
comments. In the meantime, we would like to express and memorialize our disagreement
with Review Comment A.1.²

¹ The White Tanks 69 kV Substation is located on 501-74-017D and 501-74-017E and is co-owned by Arizona Public
Services ("APS") and Salt River Project ("SRP").

² For ease of reference, Comment A.1. to the Project's General Plan Map Amendment Application provides:

The requested General Plan land use change is inconsistent with the General Plan 2030 because it is in conflict with
the Growth Area Element area for the Freeway Corridor Specific Plan and the Health Quarter. This area's focus is
intended to guide development for commercial, retail, office, mixed-use developments, and healthcare uses as well as
transit-oriented developments. The proposed land use category and development do not further the goals of the area.
Based on the applicant submittal and current General Plan, staff has not found a compelling reason to modify the
General Plan 2030 land use designation for the proposed private battery storage facility use with inherent conflict
with the General Plan.

As described in Sun Depot's General Plan/Specific Plan Amendment Application (the "Application"), the Project is a battery energy storage system designed to increase the capacity and resiliency of Arizona's electrical grid and is critical to the integration of renewable energy sources in Arizona.³ The Project is certainly not in conflict with the General Plan. In fact, the Project is the very type of project that General Plan 2030 seeks to incentivize. Development of battery energy storage facilities like this Project are critical to further General Plan 2030's stated goal of sustainable development and is, frankly, necessary to implement General Plan 2030's state-mandated Energy Element. Indeed, contrary to the unsupported statement in Comment A.1., the Project is consistent with surrounding land uses (most notably the adjacent substation it is designed to serve) and, while the Development Review Committee appears to be giving more importance to the Freeway Corridor Specific Plan than appropriate, the Project does not conflict, and is actually in compliance, with the Freeway Corridor Specific Plan. Finally, the "Health Quarter" referenced does not exist in the Avondale Code and presumably refers to the Avondale Health-Tech Corridor, an economic incentive program irrelevant to the analysis here. An economic incentive program cannot and does not control development in Avondale. As explained in more detail below, the Project falls squarely within the General Plan 2030 and indeed fulfills Avondale's obligations under Arizona law and Federal policy. Energy storage is critical for future growth and development in Avondale and across Arizona and we welcome the opportunity to meet with the Development Review Committee and its staff to explain the technology behind this critical infrastructure.

I. The Project Advances General Plan 2030's Sustainable Development Theme and Energy Element.

As the Development Review Committee is aware, General Plan 2030 is a "general, comprehensive, long-range statement of goals and related policies to guide future growth and development..."⁴ General Plan 2030 is "not set in concrete and may be amended."⁵ Further, General Plan 2030 instructs that people using the plan "should not rely solely on select, excerpted statements to reach a particular conclusion, but should rather consider *all* the General Plan policies and supporting documentation."⁶ This means that a development's consistency with General Plan 2030 should be holistic, and not read with the same matter-of-fact textual review of an ordinance or other regulatory language. Indeed, general plans are not the same as zoning ordinances. General plans are general policy documents that guide community development, while zoning ordinances are legal instruments that define, with

³ See Application attached hereto as "Exhibit A."

⁴ See General Plan at page 4.

⁵ *Id.* at 5.

⁶ *Id.* (emphasis added).

significant precision, the permitted land uses for every property within a municipal jurisdiction.⁷ In fact, “if a property currently is zoned and is not in conformance with the adopted [General Plan], *the property may be developed according to the in-place zoning.*”⁸

It is clear that sustainable development is both a goal – and a priority – in General Plan 2030. General Plan 2030 is organized around eight essential themes intended to guide development in Avondale.⁹ “Sustainable Development” is one such theme of the General Plan.¹⁰ In fact, “‘Sustainability’ is the cornerstone of [General Plan 2030] that is supported by the participants in the planning process...”¹¹ and it is therefore “vital that good practices of sustainable development be put into effect...”¹² “The themes of [the] General Plan independently and collectively support the concept of smart growth and sustainability.”¹³ Consequently, the guiding principle of sustainable development should be read throughout the document and its interpretations.

“Sustainable development is responsible managed growth that balances present demands with future demands in terms of energy,” among other things.¹⁴ Indeed, “Energy” is the first element of the Sustainable Development Theme and mandates a focus on “expanding the use of renewable sources.”¹⁵ “Through the Energy Element, Avondale is committed to being a leader in energy efficiency, reducing energy demands, and furthering the use of alternative and renewable energy sources.”¹⁶ Specifically:

“Through the Energy Element, Avondale is committed to being a leader in energy efficiency, reducing energy demands and furthering the use of alternative and renewable energy sources. Avondale is committed to focusing

⁷ See generally, General Plan and A.R.S. 9-462.01, stating that, “[i]n the case of uncertainty in construing or applying the conformity of any part of a proposed rezoning ordinance to the adopted general plan of the municipality, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan.”

⁸ See General Plan at page 5 (emphasis in original). Notably, the Property is within the Agricultural (AG) zoning district and public utility facilities, like the Project, are permitted with a conditional use permit in the AG zoning district. Avondale Municipal Code at 28-32.

⁹ See General Plan at page 7-8.

¹⁰ *Id.* at 7.

¹¹ *Id.* at 76.

¹² *Id.*

¹³ *Id.* at 9.

¹⁴ See General Plan at 76.

¹⁵ *Id.* at 7.

¹⁶ See General Plan at 76.

on ways to reduce energy consumption and move toward alternative clean energy sources....”¹⁷

This emphasis on energy in General Plan 2030 is required in the State of Arizona pursuant to A.R.S. 9-461.05(E)(10)¹⁸ and is in line with federal policy, which centers around our need for less dependency on foreign oil and fossil fuels.¹⁹ In particular, “(b)ecause of Avondale’s abundance of sunshine, solar power is an attractive and viable renewable energy source. Avondale will promote energy efficiency by evaluating programs that ... further the use of alternative renewable energy.”²⁰

Relevant to the Project, the first two goals of the Energy Element are:

- **Goal 1:** Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning;²¹
- **Goal 2:** Promote expansion of renewable energy, including the policies of studying areas that may be suitable for locating commercial renewable energy facilities, modifying local codes and regulations to encourage private, residential scale renewable energy, and plan for distributive generation facilities, such as solar.²²

The Project will increase energy efficiency and maximize the use of clean renewable energy that provides power without the use of fossil fuels. As described by the U.S. Department of Energy:

“energy storage is a critical step on the path to getting more renewable power on the system, supporting a growing fleet of electric vehicles, making the grid more reliable and securing the clean energy future. Accelerating the development and testing of new energy storage technologies that are more

¹⁷ *Id.*

¹⁸ *Note*, A.R.S. 9-461.05(E)(10) requires general plans to include an energy element, which includes a component that identifies policies that encourage and provide incentives for efficient use of energy and an assessment that identifies policies and practices that provide for greater uses of renewable energy resources.

¹⁹ *Id.* at 77.

²⁰ *Id.*

²¹ *Id.* at 81.

²² *Id.* at 82.

cost-effective, safe and durable is crucial ... to providing clean, affordable, and resilient energy to everyone, everywhere, anytime.”²³

“Battery storage is one of several technology options that can enhance power system flexibility and enable high levels of renewable energy integration.”²⁴ In addition to enabling high levels of renewable energy integration, battery storage increases the reliability of an aging electrical grid and can reduce the cost of electricity.²⁵ In particular, “battery energy storage systems interconnected to the transmission system [i.e. interconnected to a substation] can provide a broad range of ancillary and transmission-related services.”²⁶ Energy storage in these locations provides additional local and system capacity at the most critical times and allows electrical prices to be stabilized by charging an energy storage system when electricity is cheapest and discharging when it is most expensive.²⁷

Because of General Plan 2030’s repeated emphasis on renewable energy and energy efficiency as a priority, we struggle to find any evidence to suggest that the Project would not conform to the stated goals and priorities of the Sustainable Development theme and the overall General Plan 2030. Energy efficient policies are required under Arizona law and the General Plan instructs us to hold sustainability as the “cornerstone” of the plan for development in Avondale. The Project clearly advances the goals of General Plan 2030.

II. The Project Meets the Requirements of the Freeway Corridor Specific Plan.

As an initial matter, while we understand the Property is located within the Freeway Corridor Specific Plan area, the Freeway Corridor Specific Plan is not meant to usurp General Plan 2030.²⁸ According to the Freeway Corridor Specific Plan itself, “[t]he Freeway Corridor Specific Plan is intended to supplement the classifications, standards, provisions, and requirements of the Avondale General Plan and the Avondale Zoning Ordinance.”²⁹

²³ See “Grid Storage Launchpad” by Office of Electricity, Department of Energy (<https://www.energy.gov/oe/grid-storage-launchpad>).

²⁴ See “Grid-Scale Battery Storage” by USAID and NREL, published September, 2019 (<https://www.nrel.gov/docs/fy19osti/74426.pdf>).

²⁵ See “Energy Storage 101: how energy storage works” by Utility Dive, published July 18, 2022 (<https://www.utilitydive.com/spons/energy-storage-101-how-energy-storage-works/627194/>).

²⁶ See “Grid-Scale Battery Storage” by USAID and NREL, published September, 2019 (<https://www.nrel.gov/docs/fy19osti/74426.pdf>).

²⁷ *Id.*; See also “Energy Storage 101: how energy storage works” by Utility Dive, published July 18, 2022 (<https://www.utilitydive.com/spons/energy-storage-101-how-energy-storage-works/627194/>).

²⁸ See Freeway Corridor Specific Plan at 1.

²⁹ *Id.*

Like all specific plans, the Freeway Corridor Specific Plan must be updated to take “goals, policies, and strategies from the General Plan and expand upon them as they specifically relate to the Freeway Corridor.” Further, Specific Plans are subsets of the General Plan and state statute.³⁰ The General Plan 2030 defines specific plans as, “a detailed element of the General Plan 2030 enacted under the provisions of the State law.”³¹ Arizona state law, General Plan 2030 and the Freeway Corridor Specific Plan all make clear that the objectives identified in General Plan 2030 and the Avondale Zoning Code, which the Project furthers, ultimately direct development.

Regardless, the Project is consistent with the goals of the Freeway Corridor Specific Plan. “The primary purpose of the Freeway Corridor Specific Plan is to ensure attractive development in what can be considered the City’s most highly visible areas adjacent to Interstate 10.”³² The Freeway Corridor Specific Plan was created, in large part, to protect against “residential encroachment” in an area most suitable to “intense development” like “transit oriented business, high-intensity office, and freeway commercial uses.”³³ The Project is not residential and will create jobs. What’s more, pursuant to the Freeway Corridor Specific Plan, “[e]ach of the planned Freeway Corridor land uses are located to ensure compatibility between adjacent uses and enhance any strategic benefit that may result from the land-use relationships.”³⁴ The Project is certainly compatible with adjacent land uses. The Project is located adjacent to the existing White Tanks 69 kV Substation. The sole and exclusive purpose of the Project is to interconnect to the substation. Two more compatible uses could not be conceived. Any suggestion that the Project be developed elsewhere, further from the substation and the ideal circumstances offered by the Property, would fly in the face of the Freeway Corridor Specific Plan’s direction to “ensure compatibility between adjacent uses and enhance strategic benefit” that may result from those uses.

The Project is the type of development that is prioritized under General Plan 2030 and Arizona law. To the extent that an interpretation under the Freeway Corridor Specific Plan conflicts with the aforementioned goals and policies, General Plan 2030 and state law will control. Regardless, the Freeway Corridor Specific Plan was created to slow the encroachment of residential uses in an area that is poised to grow with “intense development.” The Project meets both aims; the Project is not-residential and will bring jobs

³⁰ See A.R.S. 9-461.08.

³¹ See General Plan at 171.

³² *Id.* at 5.

³³ *Id.* at 62-63.

³⁴ Freeway Corridor Specific Plan at 3; *See also Id.* at 63.

and reinforce an energy grid with ever expanding demand of power once development occurs.

III. The Avondale Health-Tech Corridor³⁵ Is Not a Land Use Planning Tool

The Avondale Health-Tech Corridor is not law. It is an economic incentive program³⁶ and, as such, does not supersede the General Plan, the Avondale Municipal Code or any other law or land use planning tool. It should not be used as a weapon to prohibit the development of important infrastructure that furthers the goal of the General Plan.

IV. Conclusion

If approved, the Project would store up to 200 MW / 800 MWh of energy capacity received from the electrical grid and would serve peak energy demand requirements for Arizona residents. Battery energy storage will arm the Arizona electrical grid to handle future influxes in energy demand, like the demand we see during heat waves in the summer. There is no more appropriate place to develop a battery energy storage project than adjacent to an existing substation.

We look forward to working with the City on this Project. Please let us know if we can provide any additional information.

Very truly yours,



Lea A. Phillips

LAP/lmd

CC: Stephen Kemp (via e-mail at skemp@avondaleaz.gov)

Nicholle Harris (via e-mail at nharris@avondaleaz.gov)

³⁵ Finally, its stated in the March 23, 2023 letter that the Project is inconsistent with the “Health Quarter.” We assume you are referring to the “Avondale Health-Tech Corridor,” as marketed by the Greater Phoenix Economic Council and Avondale EDGE. “Avondale Health Tech Corridor, a Greater Phoenix High Impact District” by Greater Phoenix Economic Council (<https://www.avondalelibrary.org/Home/ShowDocument?id=7664>).

³⁶ We understand that, through economic-based incentives, the “Avondale Health-Tech Corridor” has twin aims of attracting healthcare specialty organizations and technology-based organizations. “Avondale Health Tech Corridor, a Greater Phoenix High Impact District” by Greater Phoenix Economic Council (<https://www.avondalelibrary.org/Home/ShowDocument?id=7664>).

Exhibit A

Sun Depot General Plan/Specific Plan Amendment Application

CASE NO. _____
Accepted by: _____
Date: _____
Acct #: _____

GENERAL PLAN/SPECIFIC PLAN AMENDMENT APPLICATION

(Pre-Application Required; Incomplete applications will not be accepted)

PROPERTY INFORMATION				
DEVELOPMENT/PROJECT NAME: Sun Depot Energy Storage		PARCEL NUMBER(S): 501-74-890		
ADDRESS OR DESCRIPTIVE LOCATION: South side of W. Palm Lane, b/t Avondale Blvd & W. 119th Ave		GROSS AREA (ACRE/SQ. FT.): 15.47 Ac		
		NET AREA (ACRE/SQ. FT.): 14.60 Ac.		
CURRENT ZONING: AG	CURRENT GENERAL PLAN DESIGNATION: Mixed Use			
CURRENT USE: Agriculture				
PROJECT INFORMATION				
PROJECT DESCRIPTION (TO INCLUDE PROPOSED USE): This project is for the construction of a proposed battery energy storage facility, to service APS and SRP at adjacent White Tank substations				
PROPOSED ZONING: PAD District		PROPOSED GENERAL PLAN DESIGNATION: Public/Civic		
PRE-APPLICATION MEETING	PLANNER ASSIGNED: Mark Trinidad		RELATED CASE(S):	
	CASE NUMBER: PL-22-0094			
	DATE HELD: May 4, 2022			
APPLICANT INFORMATION (Single point of contact)		PROPERTY OWNER INFORMATION		
NAME: Paul Burman		NAME: Sun Depot Energy Storage, LLC (Laura Miner, signatory)		
ADDRESS: 959 SE Division St, Suite 350		ADDRESS: 1 South Wacker Drive, Suite 1800		
CITY, ST, ZIP: Portland, OR 97214		CITY, ST, ZIP: Chicago, IL, 60606		
PHONE NUMBER: 971-346-4985		PHONE NUMBER: 971-346-4985		
EMAIL: pburman@invenergy.com		EMAIL: pburman@invenergy.com		
Review times in accordance with SB 1598 Policy				
APPLICATION FEES (STAFF ONLY)				
BASE FEE:	Text Amendment, Major	\$2,050	2,050	
	Text Amendment, Minor	\$1,425		
	Map Amendment, Major	\$2,050 X		
	Map Amendment, Minor	\$1,425		
		BASE FEE SUBTOTAL	\$	
ACREAGE FEE (ROUND TO THE NEAREST NET ACRE) (MAP AMENDMENTS ONLY)	\$70 X Acres =	1,050	ACREAGE FEE SUBTOTAL	\$ 1,050
			TOTAL AMOUNT DUE	\$ 3,100

I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.

SIGNATURE: _____ DATE: 3/1/2023

I, THE UNDERSIGNED OWNER, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT AND CONSENT TO THIS APPLICATION.

SIGNATURE: _____ DATE: 3/1/2023

Development Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010

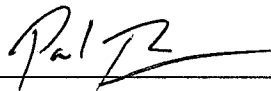
<https://www.avondaleaz.gov/government/departments/development-engineering-services>

**GENERAL PLAN/SPECIFIC PLAN
AMENDMENT SUBMITTAL CHECKLIST &
ACKNOWLEDGEMENTS**

- Completed application with both the applicant's and owner's original signatures.
- Completed Property Owner Authorization form with owner's original signature.
- Legal description and map exhibit each on separate, 8½"x11" pieces of paper (3 copies)
- Title Report or Deed (2 copies)
- Project Narrative (5 copies)
- Existing General Plan Map with parcels highlighted 11"x17" folded (5 copies)
- Current and Proposed Wording – for Text Amendment only (5 copies)
- Public Participation- This request requires a Public Hearing. In order to foster civic engagement, an applicant-initiated Neighborhood Meeting is required to be held and Public Hearing notifications are required to be distributed. Upon completion, each phase of notification will require an affidavit of notification and supporting documents. When final approval has been granted, an affidavit of sign removal must be provided to Planning Division staff no more than one (1) week following approval.
Please see the Public Participation Process packet on our website for further details on the process and requirements: <https://www.avondaleaz.gov/home/showpublisheddocument/1991/636863644921830000>.
- Each item on the checklist scanned and uploaded to the permit portal in PDF format, with label and date.
- Other: _____

I acknowledge that the following items are required for the processing of my application with the City of Avondale Development Services Department. I understand that the application will be not accepted without the following items and that the City of Avondale reserves the right to request additional information supplementary to this list.

Applicant Signature: _____



Date: 3/1/2023

Development Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
<https://www.avondaleaz.gov/government/departments/development-engineering-services>

Major and Minor General Plan Amendment Review and Analysis

The review and analysis shall include, but not be limited to, the following:

- Availability of current and future water supplies;
- Impact on and potential support of the City's transportation system;
- Impact on the natural environment, including, but not limited to, hillsides, riparian areas, and floodways;
- Extent to which the proposal contributes to achieving the (i) job to population ratio, (ii) square foot per capita ratio, and (iii) multi-family housing ratio identified within this GP2030;
- Impact on City services and facilities including, but not limited to, police, fire, water, and wastewater; and
- Extent to which the goals of this GP2030 are accomplished.

Development Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
<https://www.avondaleaz.gov/government/departments/development-engineering-services>

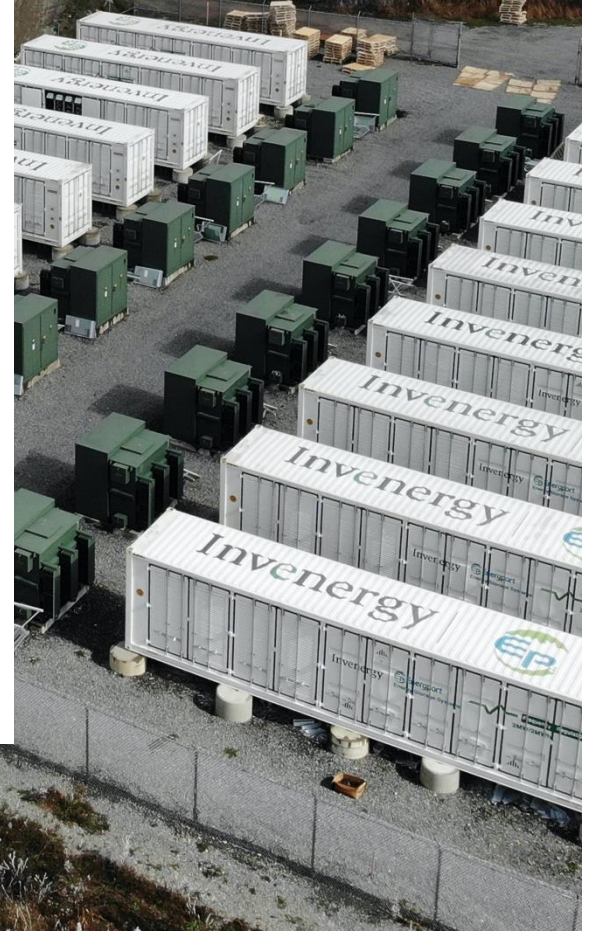


Invenergy

Sun Depot Energy Storage

Major General Plan Amendment Review
Application Narrative

March 1, 2023



Prepared for:

City of Avondale

Development & Engineering Services Department
11465 W Civic Center Dr.
Avondale, AZ 85323
(623) 333-4000

Prepared By:

Invenergy

Paul Burman
Senior Manager, Renewable Development
(971) 346-4985
pburman@invenergy.com

Laura Miner
Vice President
lminer@invenergy.com

Table of Contents

MAJOR GENERAL PLAN AMENDMENT REVIEW SUBMISSION SUMMARY	3
1.0 PROJECT NARRATIVE	4
1.1 PROJECT LEGAL DESCRIPTION	4
1.2 PROJECT LOCATION	4
1.3 PROJECT OVERVIEW	4
1.4 AVAILABILITY OF CURRENT AND FUTURE WATER SUPPLIES	4
1.5 IMPACT ON CITY'S TRANSPORTATION SYSTEM	5
1.6 IMPACT ON NATURAL ENVIRONMENT	5
1.7 PROPOSED CONTRIBUTION TO GP2030	5
1.8 IMPACT ON CITY SERVICES	6
1.9 OFFSITE IMPROVEMENTS	6
2.0 ABOUT INVENERGY	7
2.1 COMPANY OVERVIEW	7
2.2 INVENERGY'S BATTERY ENERGY STORAGE EXPERIENCE	8
2.3 SUSTAINABLE SOLUTIONS PLATFORM	9
2.4 SOLUTIONS TAILORED TO CUSTOMER NEEDS	10

Major General Plan Amendment Review Submission Summary

The Sun Depot Energy Storage LLC Major General Plan Amendment Review Application includes the following documents:

Document Name	Location
Completed Planning Application, Signed	Attached Separately
Completed Property Owner Authorization Form	Attached Separately
Project Narrative	This Document, Below
Legal Description of Property on 8.5" x 11" sheet	Attached Separately
ALTA	Attached Separately
Warranty Deed	Attached Separately
Existing General Plan Map with Specific Parcels Highlighted	Attached Separately

1.0 Project Narrative

1.1 PROJECT LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF AVONDALE, COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Lot 2, AVONDALE MARKETPLACE, according to Book 1043 of Maps, page 11, records of Maricopa County, Arizona

APN: 501-74-890

1.2 PROJECT LOCATION

The Sun Depot Energy Storage LLC (hereinafter referred to as “Sun Depot”) seeks a Major General Plan Amendment from Mixed Use to Public/Civic to develop a battery energy storage facility (“Amendment”). The project is located on a 15.47-acre parcel on the south side of West Palm Lane between North Avondale Rd and N. 119th Avenue and within Section 36, Township 2 North Range 1 West of the Gila and Salt River Meridian (the “Property”). The Property is currently zoned AG – Agricultural Zoning District under the City of Avondale (“City”) Zoning Ordinance (*Code).

1.3 PROJECT OVERVIEW

Sun Depot requests a General Plan Amendment so that a battery energy storage facility (the “Project”) can be constructed on the Property. The Project would store up to 200 MW / 800 MWh of energy capacity received from the electrical grid and would serve peak energy demand requirements for Arizona residents. The Project would connect to the White Tanks 69 kV Substation, which is situated on the adjacent lot immediately to the west of the proposed Project. The adjacent utility substation is co-owned by the Arizona Public Service Company (“APS”) and the Salt River Project (“SRP”). Sun Depot intends to use commercially appropriate battery technology for this Project—likely to be lithium-ion based—optimized for battery efficiency and safety. The Project will be remotely operated and monitored at all hours via regionally based staff as well as staff at the national control center located at Sun Depot headquarters.

When construction is complete, the Project is anticipated to include up to 348 non-occupied battery cabinets, 58 power converter systems, 17 auxiliary transformers, two small buildings containing the controls for operation, and two substations with transmission lines connecting into the adjacent White Tanks 69 kV Substation’s APS and SRP bays. Battery energy storage technology is rapidly evolving, and the specific project design will evolve over time in response to technological advances and market factors.

1.4 AVAILABILITY OF CURRENT AND FUTURE WATER SUPPLIES

The project is likely to have a positive impact on the City’s future water supplies. The project site is currently zoned agricultural and is actively farmed – most recently for alfalfa and cotton. These water intensive applications are served by groundwater wells and irrigation structures on site or in the immediate vicinity. Upon operation of the battery energy storage facility, ongoing project water usage will be minimal.

Upon site operation, Sun Depot Energy Storage LLC will pledge grandfathered groundwater credits to the City.

During construction, water will be used for dust suppression. Peak water usage during site grading work may exceed 30,000 gallons per day during site grading (1 month). Daily water use during construction is likely to be less than 10,000 gallons per day when no grading activities are occurring.

The site will not be manned during operations, and regular water use will primarily be limited to landscape irrigation water and domestic use.

1.5 IMPACT ON CITY'S TRANSPORTATION SYSTEM

The project is not expected to materially impact the City's transportation system, either during construction or during operations. A traffic impact statement will be completed prior to construction.

Traffic during construction will be limited in time and duration, but will include frequent deliveries (limited to daylight hours) of equipment and materials by truck during the 12-18 month construction period.

During operation, the Project will function without on-site staff. Accordingly, routine traffic to and from the Property will be minimal, generating approximately 1-2 trips per week, as necessary. There will be no designated off-street parking provided for this project. The site will be in continuous operation 24-hours a day, 7-days a week and manned remotely from off-site monitoring and control centers.

The Project will feature two access points with paved driveways, 30 feet in width, proposed on the north side of the Property and connecting to existing W. Palm Lane for normal operations – spaced approximately 1,000-feet apart. Access to the Property will be controlled by sliding gates located at the perimeter wall.

1.6 IMPACT ON NATURAL ENVIRONMENT

The development of this Property for battery energy storage will have a minimal impact on the City's natural environment. The Property's current use for agriculture means the area has been previously disturbed, and serves limited habitat purposes.

As envisioned, the site will not impact hillsides, riparian areas or floodways (none located on site). Additionally, all stormwater and runoff will be contained on site, ensuring that runoff from storm events will not impact local waterways.

The Property is located adjacent to existing industrial infrastructure – the APS & SRP White Tank 69kV substation. The development plans for the site will incorporate vegetation (native shrubs and trees) around the perimeter of the site for screening, and potential habitat purposes.

1.7 PROPOSED CONTRIBUTION TO GP2030

The Sun Depot Project helps the City meet development objectives in a way that is consistent with the desired character for the surrounding area. The Property is located adjacent to an existing electrical substation currently designated as public/civic use under the Avondale General Plan 2030 (the "Plan").

The proposed Project will further the City's Sustainable Development objectives as laid out in the Plan. The Project promotes the expansion of renewable energy (Goal 2) by providing facilities to store clean power generated from solar resources. The Project will also partially mitigate the visual impact to surrounding properties of the existing White Tanks 69 kV substation (Goal 5) by providing masonry wall screening and landscaping around most of the project footprint. The Project's wall design and landscaping plan will help the Project integrate into the desired character of the community.

The area's two primary electric utilities, APS and SRP, have both short-term and long-term goals to increase renewable energy generation within their systems, which will ultimately result in cleaner and more affordable electricity for the City and the entire state of Arizona. The proposed Project is integral to the further development of renewable energy facilities in Arizona. Additionally, jobs will be created by the Project during Project construction and operations.

1.8 IMPACT ON CITY SERVICES

The Project impact on city services is expected to be minimal after construction is completed. The Property will require minimal water and sewage services and is not expected to require police service.

The largest potential impact of a battery energy storage facility would be a potential fire event. While these events are rare and not expected, they will require a coordinated emergency response. Sun Depot will work closely with the Avondale Fire Department to develop an emergency response plan that ensures the health and safety of the surrounding community and first responders. The Project will be designed in line with or in excess of all relevant IFC and NFPA fire codes for Avondale.

It is envisioned that the Project will provide approximately \$12 million of tax revenue to Avondale over the Project lifetime.

1.9 OFFSITE IMPROVEMENTS

As part of this Project, W. Palm Lane will have half-widths improvements constructed on the south side with new pavement, curb and gutter, scuppers and sidewalk. Water will be collected through the placement of two concrete scuppers and conveyed to drainage retention basins located between the back of the sidewalk and the proposed perimeter wall. On-site drainage from the proposed Project will drain southward and exit through turned block openings in the wall to a proposed drainage retention basin on the southern side of the Property. Likewise, the existing irrigation channel will be relocated, if necessary, along the southern property line and connect to the east and west channels that flow south, respectively, on either end of the Project.

2.0 About Invenergy

2.1 Company Overview

Invenergy's name is synonymous with innovation in an industry undergoing transformation. As the world's largest privately held developer and operator of renewable power, Invenergy works with leading utilities, global brands and public sector partners to take energy infrastructure projects from drawing board to reality. Invenergy's 1,400 employees are united by a vision to be innovators building a sustainable world. Headquartered in Chicago, Illinois, the Company has successfully developed over 30 gigawatts of power projects across the Americas, Europe and Asia. Invenergy projects enable a more sustainable, flexible, and resilient grid. Below shows the operating, under construction and contracted projects Invenergy has developed across four core technologies since its founding in 2001, as well as its global company presence today.

Totals

190 projects
30,062 MW



Wind

110 projects
17,480 MW



Solar

50 projects
6,132 MW



Natural Gas

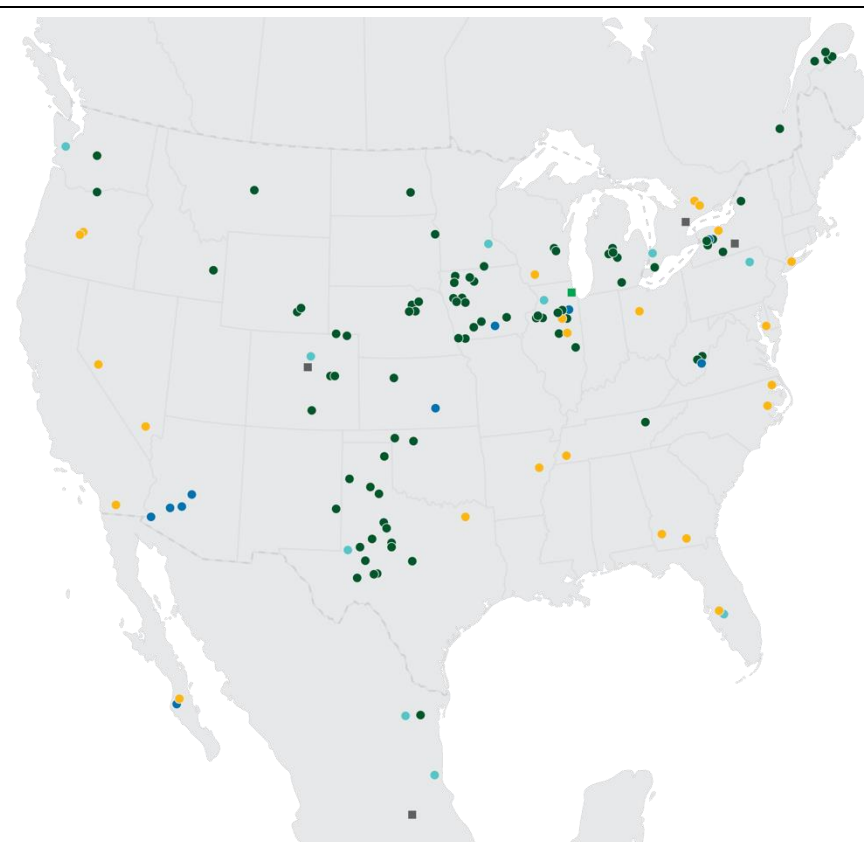
13 projects
5,964 MW



Storage

18 projects
1,611 MWh

North America



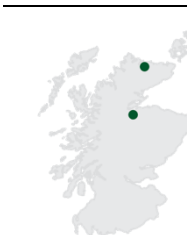
Latin America



Poland



Scotland



Japan



Projects in operation, in construction & contracted

- Headquarters
- Wind
- Corporate Office
- Solar
- Natural Gas
- Storage

2.2 Invenergy's Battery Energy Storage Experience



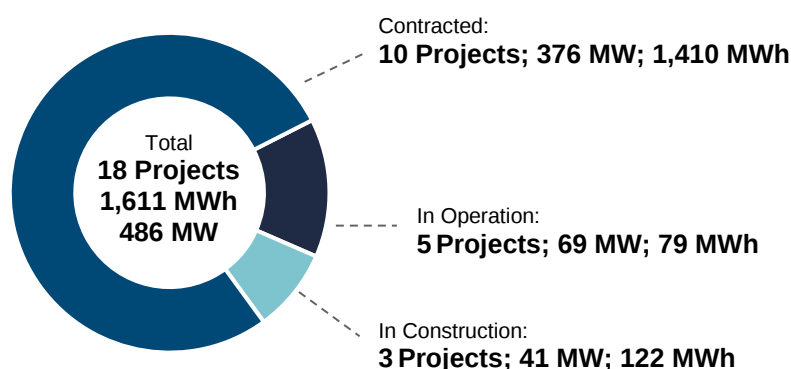
The picture above is an example of a previous battery energy storage project constructed by Invenergy. The white cabinets with the word “Invenergy” contain the batteries and power converter systems while the green auxiliary transformers sit adjacent to them.

Storage Track Record & Technology Innovation

As one of the earliest pioneers in advanced energy storage, Invenergy is today the world's leading privately held owner and operator of grid-scale batteries. Invenergy completed its first advanced battery storage project in 2012 and since then has amassed over 150,000 hours of battery system runtime experience. In 2019, Invenergy received the Energy Storage Association's Brad Roberts Award recognizing extraordinary accomplishments in the storage market and comprehensive industry commitment and participation.

Large-scale battery systems instantaneously absorb and inject energy to minimize infrastructure costs and help with grid management. Battery storage systems can have multiple applications and, depending on duration, tap different value streams as illustrated below.

Invenergy Storage Portfolio



Short Duration	Medium Duration	Long Duration
Frequency Regulation/Response	All Short Duration services, plus...	All Medium Duration services, plus...
Voltage Control/Reactive Support	Spinning Reserve	Energy Shifting
Renewable Firming	Peak Shaving	Backup Power

Whatever applications are called for based on a customers' unique needs; Invenergy's energy storage solutions can unlock additional value. Invenergy works with a variety of battery manufacturers and selects battery technologies and vendors that provide the best storage system based upon system reliability, performance, flexibility, and cost. Invenergy is agnostic to battery suppliers and will select a top tier battery supplier to provide a cost-effective and reliable energy storage system.

Invenergy uses lithium-ion battery technology, which is tested and proven and has been deployed world-wide. Invenergy has expertise across the major lithium-ion chemistries, including Nickel Cobalt Manganese (NMC), Nickel Cobalt Aluminum (NCA) and Lithium Iron Phosphate (LFP).

2.3 Sustainable Solutions Platform

Invenergy's diversified business serves broad market needs while taking on the world's biggest sustainability challenges.



Invenergy

Through its core business, Invenergy develops, owns and operates large-scale sustainable energy generation and storage facilities in the Americas, Europe, and Asia.



Invenergy Services

Invenergy Services provides operations and asset management for Invenergy-developed and third party-owned energy assets. With 13,799 MW of assets under management, Invenergy Services' owner's mindset drives its award-winning approach.



Invenergy Transmission

Invenergy has developed over 4,100 miles of transmission and distribution infrastructure to bring clean energy to market. Invenergy Transmission is currently advancing several HVDC transmission line developments throughout the Americas.



Invenergy Clean Water

Invenergy is tackling the next sustainability challenge with an emerging water infrastructure and desalination business.



As a founding partner of Energize Ventures, Invenergy is investing in digital solutions that drive affordability, reliability and security for energy and industry.

2.4 Solutions Tailored to Customer Needs

Invenergy's unique combination of full-service solutions, end-to-end execution ability, and relationship-driven approach has won it a reputation for meeting customer's needs with high-value projects delivered on time and on budget. Traditionally, Invenergy's approach has been to develop, build, own and operate projects; but the Company provides a full range of services and flexible structures to serve utilities, corporate buyers, asset owners, and financial institutions.

Full Range of Services and Flexible Structures

- | | | |
|---|------------------------------------|--|
| • Development-transfers | • Joint Development Agreements | • Short- and Long-Term Operations & Maintenance and Asset Management |
| • Build-transfers | • Power Purchase Agreements (PPAs) | |
| • Engineering, Procurement and Construction (EPC) | | |

Invenergy also has deep technical expertise at every step of the project lifecycle. This is rooted in an engineering culture that recognizes the critical importance of project aspects like system design, transmission, and interconnection, which others are often comfortable outsourcing. End-to-end, fully integrated capabilities allow Invenergy to serve as the single entity responsible for project development, construction, financing and operations, with seamless execution from one phase to the next.

End-to-End, Fully Integrated Capabilities

- | | | |
|-----------------------|-------------------|----------------------------|
| • Project Development | • Transmission | • Project Construction |
| • Permitting | • Interconnection | • Asset Management |
| • Engineering | • Finance | • Operations & Maintenance |

Invenergy's involvement in projects from early development through operations ultimately benefits customers through higher project efficiency and quality. Invenergy's operations group constantly reports on how the latest equipment and system configurations perform under real-life conditions in the field, which immediately shapes procurement and design considerations by Invenergy's development, engineering and construction groups working on pipeline projects. This keeps Invenergy at the forefront of project design and construction practices and methods.

In addition to the services and capabilities it offers, Invenergy embraces a relationship-driven approach to business, based on the belief that a project can only be considered successful if all parties are engaged and satisfied. Customers, EPC contractors, and financial institutions who have choices about the power sector companies they work with consider Invenergy a preferred partner. That is why Invenergy has successfully completed over \$35 billion in transactions over the past two decades and over fifty percent of its projects represent repeat business.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF AVONDALE, COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

LOT 2, AVONDALE MARKETPLACE, ACCORDING TO BOOK 1043, OF MAPS, PAGE 11, RECORDS OF MARICOPA COUNTY, ARIZONA.

APN: 501-74-890

PREPARED FOR:

Invenergy

One South Wacker Drive, Suite 1800
Chicago, Illinois 60606

REVISIONS:
#1 5/4/2022 Add easement document per client
#2 5/17/2022 Add easement document per client

LEGEND:

●	FOUND MONUMENT
○	SET MONUMENT
□	CULVERT
⊙	POWER POLE
+	SIGN
⊗	POST
≡	CATCH BASIN
⊙	STORM SEWER MANHOLE
⊙	SANITARY MANHOLE
⌵	WATER VALVE
— PCH —	POWER OVERHEAD
— PUG —	POWER UNDERGROUND
— SAN —	SANITARY UNDERGROUND
— WAT —	WATER LINE
~~~~~	TREELINE
~~~~~	EDGE OF GRAVEL
~~~~~	CURB FLOWLINE
—————	BOUNDARY LINE
—————	RIGHT-OF-WAY LINE
---	SECTION LINE
- - - - -	EASEMENT LINE

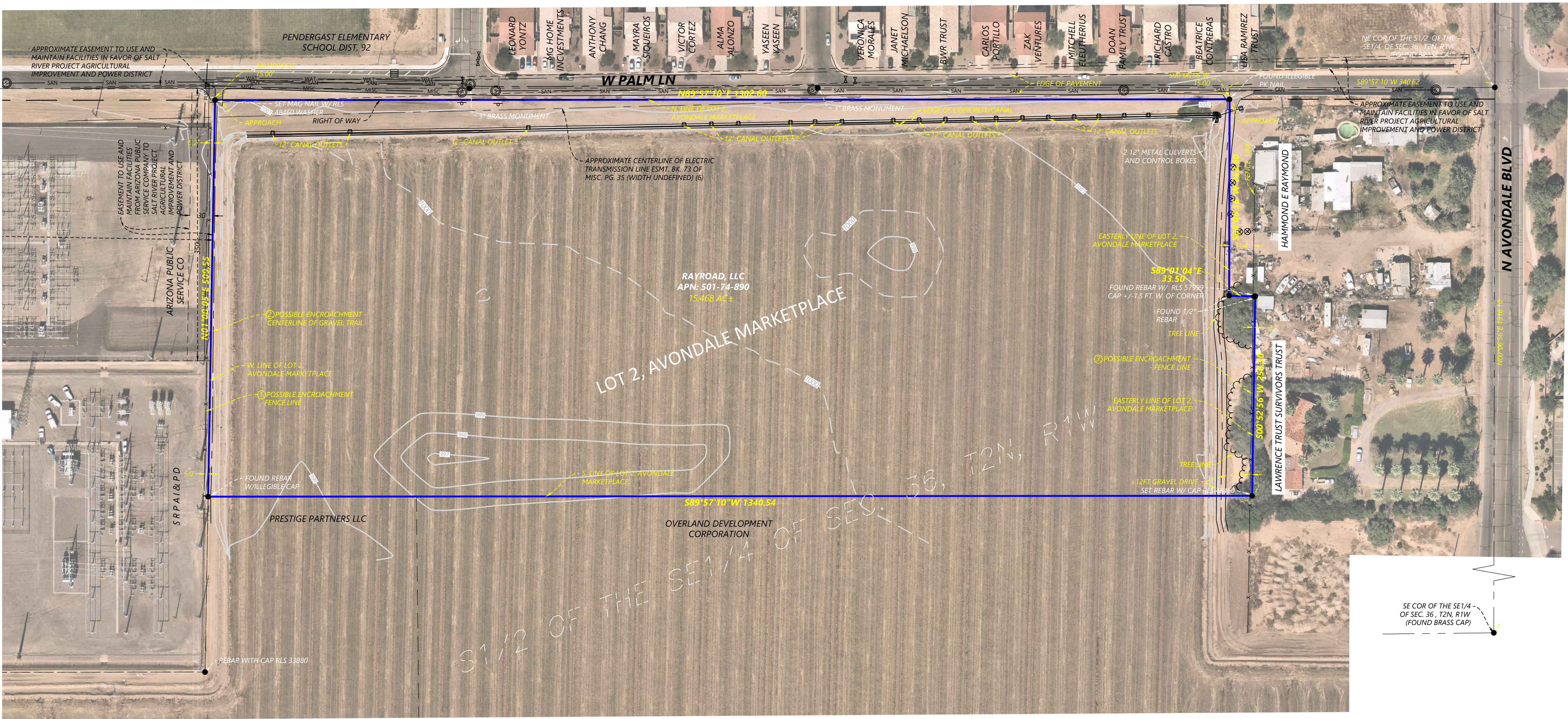
Sun Depot  
Storage Project

Maricopa County, Arizona

ALTA/ACSM  
LAND TITLE SURVEY

DATE: 2/03/2022

SHEET: 1 OF 1



LEGAL DESCRIPTION

The following description is shown per Schedule A, as described in the Commitment for Title Insurance File No.: 20000218-040-DO-A98 prepared by Fidelity National title Insurance Company having a commitment date of August 30, 2021.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED AVONDALE, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Lot 2, AVONDALE MARKETPLACE, according to Book 1043, of Maps, Page 11, records of Maricopa County, Arizona.

APN: 501-74-890

EXCEPTIONS

The following notes correspond to the numbering system of Schedule B, Section II of the above mentioned title commitment.

- Reservations, exceptions and provisions contained in the patent from the State of Arizona, and in the acts authorizing the issuance thereof.  
Recording No: Book 186 of Deeds, Page 233 (NOT PLOTTABLE)  
Recording No: Book 334 of Deeds, Page 388 (NOT PLOTTABLE)
- Easements, covenants, conditions and restrictions as set forth on the plat recorded in Book 1043 of Maps, Page 11, (APPROXIMATE CENTERLINE OF TRANSMISSION LINE AS SHOWN PER THE PLAT)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:  
Purpose: Transmission lines  
Recording Date: April 17, 1946  
Recording No: Book 73 of Miscellaneous, Page 35 (PORTIONS OF THE DESCRIPTION ARE ILLEGIBLE AND NO WIDTH IS PROVIDED, THE APPROXIMATE CENTERLINE IS SHOWN PER THE PLAT REFERENCED IN EXCEPTION NO. 5 ABOVE)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:  
Purpose: Underground communication facilities  
Recording Date: March 30, 1966  
Recording No: Docket 5982, Page 73 (NOT PLOTTABLE, EASEMENT DOES NOT LIE WITHIN THE SUBJECT PROPERTY)
- Matters contained in that certain document  
Entitled: Resolutions  
Recording No: 84-324528 (NOT PLOTTABLE, NOT SURVEY RELATED)  
Recording No: 86-124982 (NOT PLOTTABLE, NOT SURVEY RELATED)  
Recording No: 86-372849 (NOT PLOTTABLE, NOT SURVEY RELATED)  
Recording No: 86-386769 (NOT PLOTTABLE, NOT SURVEY RELATED)  
Recording No: 86-685376 (NOT PLOTTABLE, NOT SURVEY RELATED)  
Reference is hereby made to said document for full particulars.
- Matters contained in that certain document  
Entitled: Reciprocal Access Easement Agreement  
Recording Date: April 26, 2007  
Recording No: 2007-0486478 (NOT PLOTTABLE, EXHIBIT A AND B ARE NOT ATTACHED)  
Reference is hereby made to said document for full particulars.
- Matters contained in that certain document  
Entitled: Ordinance No. 1463-611  
Recording Date: July 20, 2011  
Recording No: 2011-0599025 (NOT PLOTTABLE, NOT SURVEY RELATED)  
Reference is hereby made to said document for full particulars.

GENERAL NOTES

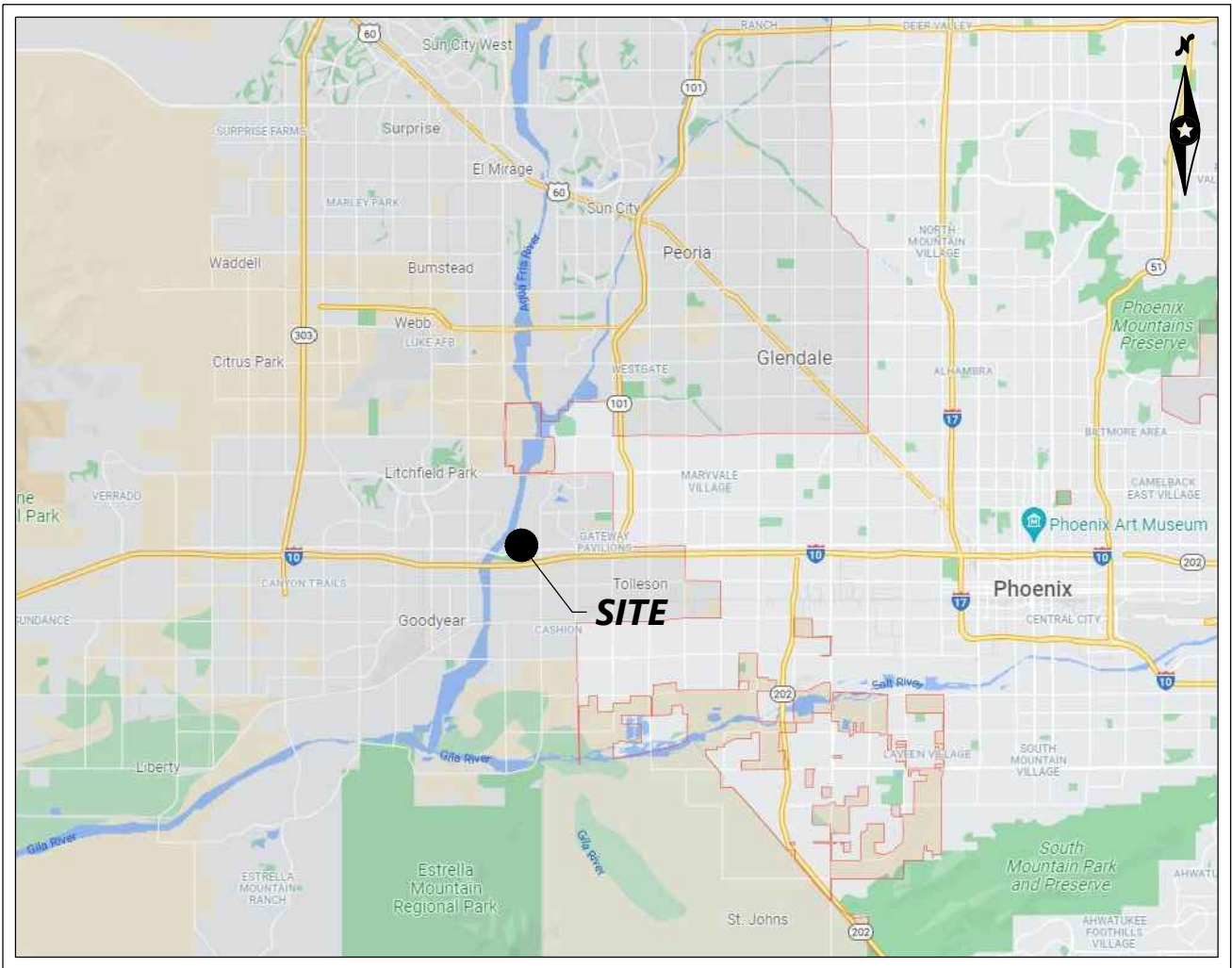
- This survey was prepared using Fidelity National Title Insurance Company, Title Commitment Number 20000218-040-DO-A98 having an effective date of August 30, 2021.
- Address of subject property per the above mentioned Title Commitment: Agricultural Land, Avondale, AZ 85392 (Table A, Item 2)
- Subject property appears to be classified as "Zone X" (area of minimal flood hazard) when scaled from Flood Insurance Rate Map Community - Panel Number 04013C2160M, dated 09/18/2020. (Table A, Item 3)
- Subject property contains 673,782 Sq. Ft. or 15.468 acres. (Table A, Item 4)
- Zoning information not provided by Client. Per the Maricopa County GIS Website, Zoning on subject parcel is classified as "AG". (Table A, Item 6 (a)(b))
- All building dimensions shown are exterior dimensions at ground level. (Table A, Item 7(a))
- Substantial features observed in the process of conducting the field work are shown on the survey. (Table A, Item 8)
- The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that that the underground utilities shown are in the exact location indicated although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. (Arizona 811 ticket number: 2021120600368) (Table A Item 11a)
- Adjacent Ownership information shown per the Maricopa County GIS Website. (Table A, Item 13)
- There was no observable evidence of earth moving work, or outside building construction at the time of this survey. (Table A, Item 16)
- Based on the information contained within the title commitment listed above and a physical inspection of the subject property, the surveyor is not aware of any off site easements or servitudes other than shown hereon. (Table A, Item 19)
- Bearings, distances and acreages are based on the Grid Arizona State Plane Coordinate System, Central Zone, International Feet, 2011 Adj. NAVD88. To convert to ground use the combined scale factor of 1.000127486 derived from NGS monument "MCD 113".

POSSIBLE ENCROACHMENTS

- Fence line on the west side of the property. Ownership of the fence is unknown.
- Gravel trail on the west side of the property. Ownership and usage of the trail is unknown.
- Fence line on the east side of the property. Ownership of the fence is unknown.

VICINITY MAP

(NOT TO SCALE)



CERTIFICATION

TO INVENERGY, AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a)(b), 7(a), 8, 11(a), 13, 16 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 23, 2021.

BENJAMIN J. BLUNT, RLS  
AZ LICENSE NO. 48460, EXPIRATION 09/30/2023  
BEN.BLUNT@WESTWOODPS.COM

DATE 2/03/2022

COMMONWEALTH TITLE

When recorded, return to:

Sun Depot Energy Storage  
c/o Invenergy LLC  
1 S. Wacker Drive, Suite 1800  
Chicago, Illinois 60606  
Attn: Land Administration

20  
ca

20000218 2/2

SPECIAL WARRANTY DEED

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **RAYROAD LLC**, an Arizona limited liability company ("Grantor"), hereby grants, sells and conveys to **SUN DEPOT ENERGY STORAGE LLC**, a Delaware corporation ("Grantee"), that real property located in Maricopa County, Arizona and legally described on Exhibit A attached hereto and incorporated herein by this reference, together with all of Grantor's interest in water, air and mineral rights (including any grandfathered groundwater or other groundwater and all surface water rights), interests, rights, privileges and easements appurtenant thereto and all improvements and fixtures now or hereafter thereon, including but not limited to wells, motors, pumps, water storage and distribution facilities, timber rights, grazing rights and access rights relating thereto (the "Property").

SUBJECT TO current taxes not yet due and payable, and those matters described on Exhibit B attached hereto and incorporated herein by this reference.

Notwithstanding any warranty which may otherwise be implied from the use of any word, phrase or clause herein, Grantor warrants title to the Property, subject to the matters referred to above, only against its own acts, but not the acts of any others.

DATED as of this 24th day of June, 2022.

"GRANTOR"

RAYROAD LLC

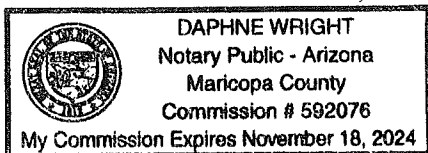
By:   
Lewis Patrick  
Its: Manager

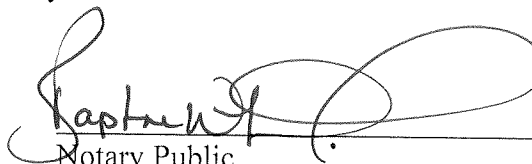
[NOTARY BLOCK ON FOLLOWING PAGE]

STATE OF ARIZONA            )  
                                                   ) ss.  
 County of Maricopa        )

The foregoing document was acknowledged before me this 24th day of June, 2022, by Lewis Patrick, the Manager of Rayroad LLC, an Arizona limited liability company, on behalf of said company.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



  
 Notary Public  
 My Commission Expires: 11-18-2024

Unofficial Document

**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED AVONDALE, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Lot 2, AVONDALE MARKETPLACE, according to Book 1043, of Maps, Page 11, records of Maricopa County, Arizona.

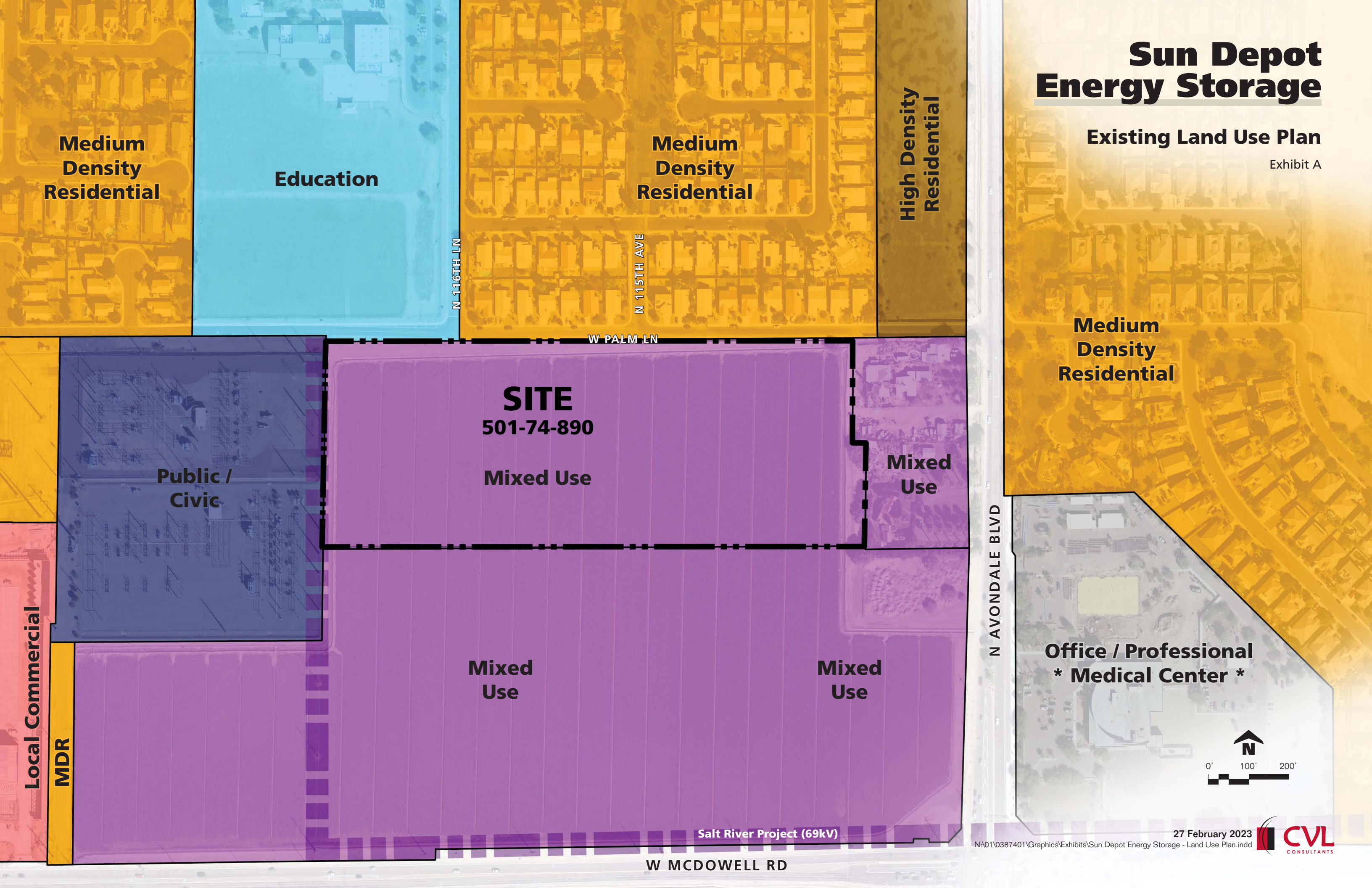
APN: 501-74-890

Unofficial Document

# Sun Depot Energy Storage

## Existing Land Use Plan

Exhibit A



27 February 2023

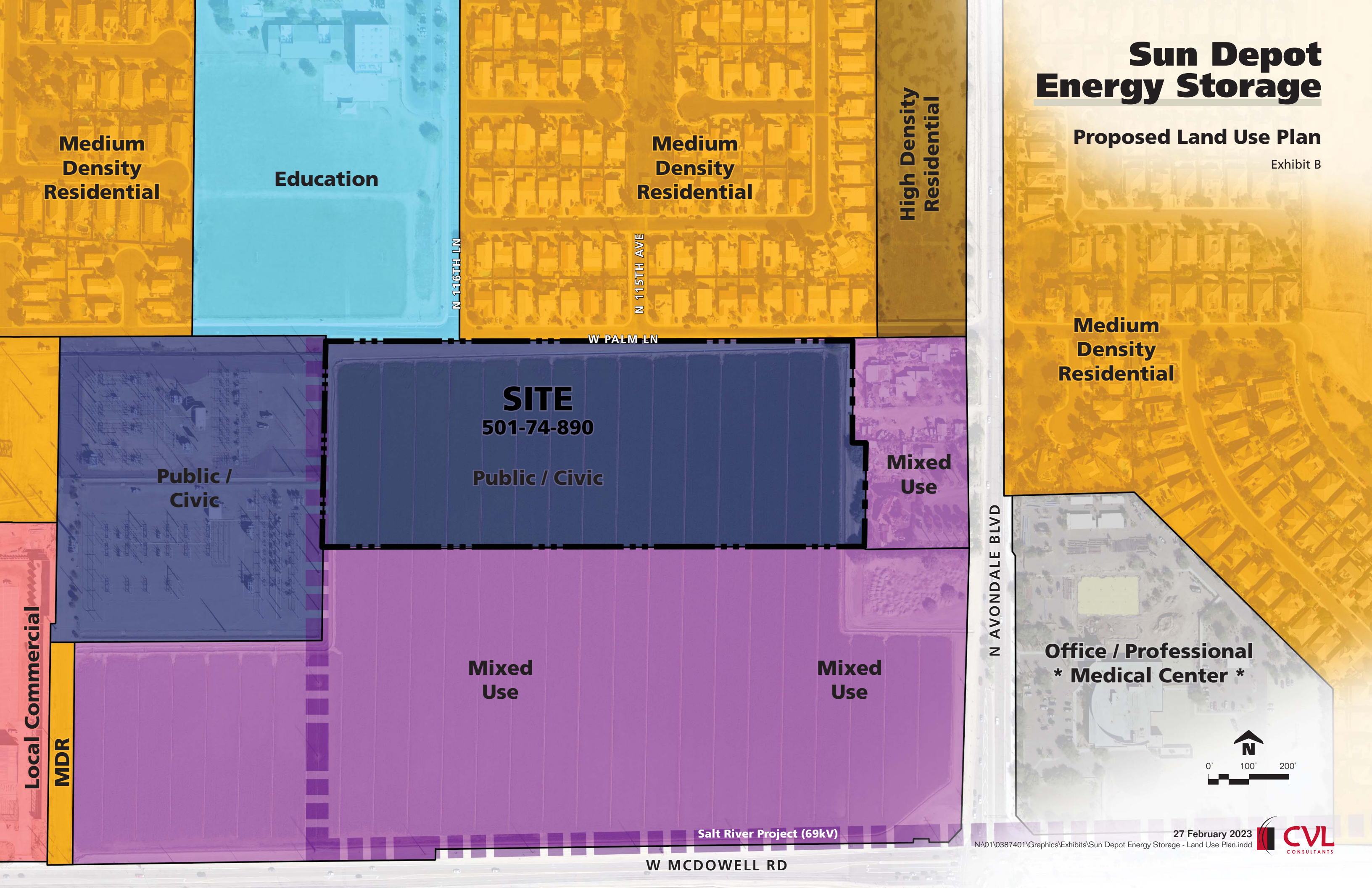
N:\01\0387401\Graphics\Exhibits\Sun Depot Energy Storage - Land Use Plan.indd



# Sun Depot Energy Storage

## Proposed Land Use Plan

Exhibit B



Medium  
Density  
Residential

Education

Medium  
Density  
Residential

High Density  
Residential

Medium  
Density  
Residential

Public /  
Civic

**SITE**  
501-74-890  
Public / Civic

Mixed  
Use

Mixed  
Use

Mixed  
Use

Office / Professional  
* Medical Center *

Local Commercial

MDR

Salt River Project (69kV)

W MCDOWELL RD

N AVONDALE BLVD



27 February 2023

N:\01\0387401\Graphics\Exhibits\Sun Depot Energy Storage - Land Use Plan.indd



- Fill out #1 below if property owner is same as applicant.
- Fill out #1 and #2 below if applicant is other than property owner.
- A separate form is required for multiple owners.

1. I, Laura Miner, hereby certify that I am the owner of property, designated as Plat Avondale Marketplace MLD, Lot(s) 2, as shown on the Maricopa County Tax Assessor's Maps.

2. I hereby authorize the application for Sun Depot Energy Storage by (name of applicant or agent) to be submitted to the Development Services Department of the City of Avondale for review and decision by the Planning Commission and City Council.

BY: [Signature]  
Signature of Owner, Individual, Corporation, Trustee, Partnership, non-profit, etc.

STATE OF ILLINOIS )  
County of COOK ) ss.

The foregoing instrument was acknowledged before me this 1st day of MARCH 20 23.



[Signature]  
Notary Public

My Commission Expires:

10/08/2024

### Development Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010  
<https://www.avondaleaz.gov/government/departments/development-engineering-services>

**From:** [Michelle Simerdla](#)  
**To:** [Michelle Simerdla](#)  
**Subject:** FW: Sun Depot Energy Storage  
**Date:** Wednesday, January 24, 2024 7:16:12 AM  
**Attachments:** [image002.png](#)

---

**From:** Scott Miller <[smiller@avondaleaz.gov](mailto:smiller@avondaleaz.gov)>  
**Sent:** Wednesday, January 24, 2024 6:43 AM  
**To:** Michelle Simerdla <[msimerdla@avondaleaz.gov](mailto:msimerdla@avondaleaz.gov)>  
**Subject:** RE: Sun Depot Energy Storage

For an incident at a Battery Energy Storage System (BESS), The Avondale Fire/Medical Department would follow The Phoenix Regional Standard operating procedures policy # M.P. 205.20A. [link to policy](#)

<https://www.phoenix.gov/firesite/Documents/205.20A%20Battery%20Energy%20Storage%20Systems.pdf>

Condensed, the current practice for response to BESS (Battery Energy Storage Systems) is to take a defensive approach and let the fire burn itself out. Fire hose steams are used to cool adjacent BESS cabinets and or any nearby combustibles.

Other incident considerations are...available water supply, contaminated runoff and toxic fumes from allowing the fire to burn. Neighborhood evacuations would occur for an indefinite time. Weather dependent, freeway traffic could be affected by an incident. I could also include these systems have the ability to maintain stored energy after a thermal runaway event, increasing the time the incident is active.

So, yes we are equipped for these types of incidents.

Scott Miller  
Fire Marshal  
Avondale Fire & Medical  
125 S Avondale Blvd, Ste. 100 | Avondale, AZ 85323  
Office (623) 333-6140  
Cell (602) 690-8885  
[smiller@avondaleaz.gov](mailto:smiller@avondaleaz.gov)  
Business Hours: Mon.-Thurs. 7:00 a.m. – 6:00 p.m. Closed on Fridays

PHOENIX REGIONAL STANDARD OPERATING PROCEDURES	
Policy Name: <b>BATTERY ENERGY STORAGE SYSTEMS</b>	Policy Number: <b>M.P. 205.20A</b>
This policy is for internal use only and does not expand an employee's legal duty or civil liability in any way. This policy should not be construed as creating a duty to act or a higher duty of care, with respect to third party civil claims against employees or the Phoenix Fire Department (PFD). Remedies for violations of this policy, if proven, are limited to administrative disciplinary action against PFD employees.	
Related Policies: 205.20, 202.19, 202.19A	
Other Reference:	
Date Implemented: 04/2023-R	Review Date: 04/2028

Battery energy storage systems (BESS) pose unique hazards to firefighters. With recent advances in battery technology and renewable energy, lithium-ion batteries have become one of the leading solutions for large-scale energy storage. Buildings or facilities containing a BESS may not have markings that specifically identify the presence of these systems. Markings may only indicate a general electrical hazard is present. An independent facility containing a BESS may appear to be a steel building resembling a shipping container or other smaller enclosures. These facilities may be found anywhere. They may be stand-alone or incorporated in another structure, including residential areas. The use of BESS to support the electrical grid is becoming standard and these systems can be found throughout our communities.

The types of catastrophic failures that can occur in all battery systems are amplified by the size and scale of the BESS. Larger systems contain more energy and have the potential to create large volumes of toxic, flammable gases that can become explosive when contained. The hazards are dependent on the design of the BESS, characteristics of the compartments containing the BESS, and levels of fire protection systems in the structure.

In smaller residential settings, a lithium-ion battery module may undergo thermal runaway as a result of exposure to a heat source unrelated to the battery. For example, a battery module located in or near a garage that is exposed to a car fire can be damaged and has the potential to have a thermal runaway event. This may cause it to liberate toxic, flammable gases and lead to a potentially high energy ignition. Fires involving Lithium-Ion battery have a very high heat release rate and present extinguishment challenges.

Stranded energy is residual energy within a lithium-ion battery or BESS. This presents a significant fire, electrical shock, and/or explosion hazard to firefighters. The severity of the hazard is in direct relationship to the state of charge in the battery. Assume they are charged.

BESS failures can occur for a variety of reasons including but not limited to:

1. Thermal abuse (external temperatures)
2. Physical/mechanical damage
3. Electrical abuse (over-charging or repeated excessive charging rates)
4. Environmental impacts (electrical surge, lighting, etc.)
5. Internal faults within the battery cell
6. Other electrical faults or system failures

## **RESPONSE TO BATTERY ENERGY STORAGE SYSTEMS**

- BESS must always be considered energized. Firefighters should exercise extreme caution when dealing with BESS and all energized electrical equipment.
- Request utility company to respond.
- Request a 3&1 or greater hazardous materials response.
- **Do not make entry or approach BESS building or compartment. Introducing fresh air may result in a deflagration.**
- Isolate the area. Recommended initial evacuation distance is 150 feet. Do not enter the fenced area. The exception to this is a savable life/known rescue.
- **Be aware of explosion potential and off-gassing of hazardous materials. White colored smoke is a good indication of hazardous off-gassing.**
- Place apparatus in a safe location away from BESS and overhead power lines.
- Protect exposures.
- DEFENSIVE FIREFIGHTING, water streams are the preferred agent for response to lithium-ion battery fires (Lithium-ion is not water reactive).
- If a fire has not developed and only smoke is visible, take a defensive stance toward the system and be prepared to apply water spray to exposures.
- If a fire develops, take a defensive stance toward the burning unit and apply water to neighboring battery enclosures and exposures.
- Maintaining a safe distance from the unit involved (large commercial systems, at least 150').
- Response crews should allow the battery to burn out. Water should be applied to adjacent battery enclosures and exposures (building).
- The Incident Commander will make the ultimate determination regarding hazard mitigation. The hazard mitigation plan should be developed in partnership with the utility representative and/or responsible party.
  - Through this careful approach, hazardous materials technicians may take calculated steps to mitigate the hazard.
  - Depending on the BESS type and size, mitigation steps may include identification of the hazard, separating it from electrical supply (i.e., electrical grid or photovoltaic system), ventilation, and cooling.
- Firefighters must wear full personal protective equipment, including SCBA with face-piece.

- If identified shut off the unit/system by operating any visible disconnects or E-stops (shutting off the disconnect does not remove the energy from the battery). To isolate any PV system and ESS in an emergency, multiple disconnects may need to be shut off.
- Lithium-ion batteries that are in thermal runaway or off gassing will create hazardous flammable and toxic atmospheres.
- Firefighters must stay out of the vapor cloud / smoke.
- Due to construction of the unit, thermal imaging cameras or infrared temperature sensors may not give true thermal conditions. But can be used to identify trending temperatures.
- Hazardous failure of batteries can occur from physical damage, exterior fire, or an internal malfunction of a cell. Smoke, popping or hissing sounds from an ESS system can be an indication of a hazardous condition. When batteries or cells enter thermal runaway, there is typically a period of smoke (may be under pressure). The smoke is flammable and may ignite at any time.

### **Responding to a Venting ESS Product**

- Evacuate the area. Never open any doors or remove panels to ESS units.
- Maintaining a safe distance from the unit involved (large commercial systems, at least 150').
- Contact vendor-specific technical support for assistance including battery management system (BMS) data.
- For residential units that are located inside a dwelling unit or garage, the space should be properly ventilated with charged handlines in place (open garage door only if safe to do so).
- Maintain a safe distance from the ESS and monitor visually for signs of thermal runaway. A remote FDC may be present on larger commercial or utility ESS to support a sprinkler system inside the enclosure.
- Each manufacturer will have a recommended time for a battery pack to cool down. This can be near a full work cycle of 12 hours or more.
- Defensive firefighting, water spray is the preferred agent for response to lithium-ion battery fires (Lithium-ion is not water reactive).
- If a fire has not developed and only smoke is visible, take a defensive stance toward the system and evaluate the need, and practical ability to safely apply water on exposures.
- If a fire develops, take a defensive stance toward the burning unit. Evaluate the need and practical ability to safely apply water on exposures.
- Response crews should allow the battery to burn out. Water should be applied to adjacent battery enclosures and exposures.

### **Lead Acid**

Lead Acid batteries are also used as BESS. These systems pose chemical burn hazard, inhalation hazard and the risk of contaminated runoff. If found upgrade the assignment to a hazardous

materials assignment and operate electrical disconnects. Utilize full PPE and direct water application from 40 feet can be applied to control a fire.

### **Lithium Ion**

Lithium-ion Batteries can produce heat, toxic and flammable gases, and contain stranded energy.

### **RESIDENTIAL BESS**

BESS are typically found as part of a modern photovoltaic system but may be present even in the absence of a PV system. BESS systems can be lithium-ion battery or lead acid battery based. Each of these poses a potential for toxic exposure, fire and thermal burns, and chemical exposure. Refer to Photovoltaic MP 205.20B.

### **Emergency Procedures for Residential BESS systems.**

If a residential BESS system is identified the following steps shall be taken:

- Notify Command
- Upgrade assignment to a 3-1 Hazardous Materials Response, isolate the area.
- It is critical to operate electrical disconnects if it is safe to do so. This will isolate the battery system.
  - After operation of the electrical disconnects it is important to recognize that the batteries will still pose an electrical hazard due to the stranded energy that they contain.
- Crews will wear full PPE and with SCBA Face Piece in place
- A charged hose line will be in place.
- Isolate the area surrounding the residential BESS a minimum of 40 feet. Hazardous Materials crews will set a hot zone.
- Avoid parking apparatus directly in front of the house
- Evaluate if the Battery Pack has been impacted by the initial fire or other event
- Contact vendor-specific technical support for assistance including BMS data.
- Consider a monitoring / cooling period of 12 hours in which the battery is monitored for signs of thermal runaway. This is a passive cooling period without water being applied.
  - Direct application of water is ineffective for cooling to prevent a thermal runaway due to the construction of the battery pack.
  - Temperature readings should be taken as early as possible and repeated at regular intervals (10 minutes) to identify trends. Is the battery getting hotter or beginning to cool?
- Contact the RP. They will be informed that they must contact the manufacturer for technical support.
- Command Officers shall make attempts to notify the building owner or occupant that there is a risk associated of a secondary event including fire as a result of continued power generation from the PV panels.

- Command or their designee may make notification over the radio that this notification has been made.
- Water application is the recommended method of firefighting.
- Protect exposures through defensive firefighting.
- The Responsible Party must arrange for proper disposal and cleanup.

Note: All BESS contain quantities of hazardous materials. In the event of an emergency with a BESS, a toxic environment may be created that is not visible. Metering of the environment by hazardous materials crews is necessary as is the usage of full personal protective equipment.